

To: Santos, Rachel (Appropriations)[Rachel_Santos@appro.senate.gov]
Sent: Fri 5/12/2017 8:13:32 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 4:08 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 4:07 PM
To: Santos, Rachel (Appropriations) <Rachel_Santos@appro.senate.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Our office is across from Trump Hotel and Central **Ex. 6 - Personal Privacy**

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 4:06 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 1:26 PM

To: Santos, Rachel (Appropriations) <Rachel_Santos@appro.senate.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 10:56 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 11, 2017

EPA Extends Timeline for Pesticide Applicators Rule

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced a 12-month extension for

implementation of the revised final Certification and Training of Pesticide Applicators (C&T) rule. EPA received feedback from states and stakeholders that more time and resources are needed to prepare for compliance with the rule. The extended timeline will enable EPA to work with states and provide adequate compliance and training resources.

“In order to achieve both environmental protection and economic prosperity, we must give the regulated community, which includes farmers and ranchers, adequate time to come into compliance with regulations. Extending the timeline for implementation of this rule will enable EPA to consult with states, assist with education, training and guidance, and prevent unnecessary burdens from overshadowing the rule’s intended benefits,” **said Administrator Pruitt.**

Last month, Administrator Pruitt met with Missouri Governor Eric Greitens to discuss the C&T rule, among other issues.

"Administrator Pruitt proved today that the old way of doing business at the EPA is over and done with. We presented them with a problem, and they took quick action to begin fixing it. Missouri farmers have waited a long time for common sense government, and now it's on its way. I'm grateful for this new leadership, and look forward to continuing to work with this administration to curb regulations that are killing jobs and hurting our farmers. It's time for government to get out of the way and let our farmers farm," **said Governor Greitens.**

“We greatly appreciate EPA extending the effective date of this rule. While we are supportive of the improved final rule released in January, States are facing a range of on-going logistical, resource, and capacity challenges. These challenges are amplified as they also implement other recent EPA requirements, such as the Worker Protection Standard. Extending the certification timeline will help alleviate some of those challenges by allowing states to work with our EPA partners to ensure adequate training resources and compliance assistance activities,” **said Dr. Barbara P. Glenn, CEO of the National Association of State Departments of Agriculture.**

Administrator Pruitt recently launched his *Back-to-Basics agenda* for returning EPA to its core mission: protecting the environment by engaging with state, local, and tribal partners to create sensible regulations that enhance economic growth. Today’s action is the latest evidence of Administrator Pruitt’s commitment to cooperative federalism and getting the EPA back to basics.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
Bcc: Bennett, Tate[Bennett.Tate@epa.gov]; Jones, Caleb[caleb.jones@governor.mo.gov]; Briden, Parker[parker.briden@governor.mo.gov]; Groen, Stephanie[stephanie.groen@iowa.gov]; Veatch, Leeann (Gov Office)[Leeann.Veatch@ky.gov]; rquarles@ Ex. 6 - Personal Privacy joe.cain@kyfb.org[joe.cain@kyfb.org]; Conner, Katelyn (McConnell)[Katelyn_Conner@mcconnell.senate.gov]; Heggem, Christine[Chris.Heggem@mail.house.gov]; josh.maxwell@mail.house.gov[josh.maxwell@mail.house.gov]; Seth Appleton[seth.appleton@mail.house.gov]; Lopez, Danny[DaLopez@gov.IN.gov]; Morgan, Christian[Christian.Morgan@mail.house.gov]; rachel_santos@appro.senate.gov[rachel_santos@appro.senate.gov]; rcoleman@fbtlaw.com[rcoleman@fbtlaw.com]; catherine.easley@ky.gov[catherine.easley@ky.gov]
Sent: Thur 5/11/2017 5:08:00 PM
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI.

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 11, 2017

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R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Dickerson, Aaron[dickerson.aaron@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Mon 4/3/2017 3:15:11 PM
Subject: RE: Notification: EPA Denies Petition to Ban Chlorpyrifos

How about Thursday or Friday? If you want to send along some times that might work with Ryan's availability, we can work coordinate from there.

Andrew

From: Dickerson, Aaron [mailto:dickerson.aaron@epa.gov]
Sent: Monday, April 03, 2017 10:10 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject: RE: Notification: EPA Denies Petition to Ban Chlorpyrifos

Unfortunately, tomorrow is not good for Ryan but we can set up something later in the week. Will this just be a phone call?

Also, I'm looping in Sharnett, Ryan's executive assistant, who will ensure it gets on his calendar.

Aaron Dickerson

Office of the Administrator

U.S. EPA

Phone: 202-564-1783

Fax: 202-501-1338

From: Bennett, Tate
Sent: Sunday, April 2, 2017 6:16 PM

To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

Let's aim for Tuesday. Our COS Ryan has actually been on point for this. Looping in my colleague Aaron to help coordinate on Ryan's schedule. Aaron, does Ryan have any time between 1-2 on Tuesday to chat with the Senate Ag committee Majority staff?

Sent from my iPhone

On Mar 31, 2017, at 3:06 PM, Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov> wrote:

At this rate, want to shoot for early next week?

How about Monday at 11:00 or around 2:00? Or Tuesday 9:00-10:30 or 1:00-2:00? Let me know if you need any additional times.

Andrew

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, March 30, 2017 4:51 PM
To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

You bet. Shoot me a note with some times and maybe a list of questions?

Sent from my iPhone

On Mar 30, 2017, at 11:46 AM, Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate, would there be a good time that our team could connect with folks at EPA on this? Maybe tomorrow?

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, March 30, 2017 9:17 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Notification: EPA Denies Petition to Ban Chlorpyrifos

Heads up that EPA denied a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

“We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

In October 2015, under the previous Administration, EPA proposed to revoke all food residue tolerances for chlorpyrifos, an active ingredient in insecticides. This proposal was issued in response to a petition from the Natural Resources Defense Council and Pesticide Action Network North America. The October 2015 proposal largely relied on certain epidemiological study outcomes, whose application is novel and uncertain, to reach its conclusions.

The public record lays out serious scientific concerns and substantive process gaps in the proposal. Reliable data, overwhelming in both quantity and quality, contradicts the reliance on – and misapplication of – studies to establish the end points and conclusions used to rationalize the proposal.

The USDA disagrees with the methodology used by the previous Administration. Similarly, the National Association of State Departments of Agriculture also objected to EPA’s methodology. The Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA's previous reliance on certain data the Agency had used to support its proposal to ban the pesticide.

The FIFRA SAP is a federal advisory committee operating in accordance with the Federal Advisory Committee Act and established under the provisions of FIFRA, as amended by the Food Quality Protection Act of 1996. It provides scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues regarding the impact of regulatory decisions on health and the environment.

For more information on chlorpyrifos and the petition:

<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Revels, Stacy
Sent: Mon 4/3/2017 2:22:27 PM
Subject: RE: hi!

Whew! Let me know if anything else comes up. ☺

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, April 03, 2017 9:30 AM
To: Revels, Stacy <Stacy.Revels@mail.house.gov>
Cc: Straughn, Patricia <Patricia.Straughn@mail.house.gov>
Subject: RE: hi!

Just figured it out. False alarm. Thanks guys ☺

From: Revels, Stacy [mailto:Stacy.Revels@mail.house.gov]
Sent: Monday, April 3, 2017 9:00 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Straughn, Patricia <Patricia.Straughn@mail.house.gov>
Subject: RE: hi!

Yes, but since it's only my 3rd week on the job, Patricia Straughn has been point on that bill. We can give you a call together if you'd like?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, April 03, 2017 8:57 AM
To: Revels, Stacy <Stacy.Revels@mail.house.gov>
Subject: RE: hi!

Hey Stacy! Do you handle the Rodney Davis pesticide bill? If so, can I give you a quick shout?

From: Revels, Stacy [mailto:Stacy.Revels@mail.house.gov]

Sent: Wednesday, March 29, 2017 2:24 PM

To: Heggem, Christine <Chris.Heggem@mail.house.gov>; Bennett, Tate <Bennett.Tate@epa.gov>

Subject: RE: hi!

Thank you, Chris. You're too kind!

Tate – Happy to connect. Look forward to working with you!

Stacy

From: Heggem, Christine

Sent: Wednesday, March 29, 2017 2:11 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>

Cc: Revels, Stacy <Stacy.Revels@mail.house.gov>

Subject: Re: hi!

Stacy Revels. She's new and she's great!

On Mar 29, 2017, at 2:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Who handles pesticides over yonder?

To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Straughn, Patricia[Patricia.Straughn@mail.house.gov]
From: Revels, Stacy
Sent: Mon 4/3/2017 1:00:07 PM
Subject: RE: hi!

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To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Fri 3/31/2017 7:06:28 PM
Subject: RE: Notification: EPA Denies Petition to Ban Chlorpyrifos

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Sent from my iPhone

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To: Bennett, Tate <Bennett.Tate@epa.gov>
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“We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

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For more information on chlorpyrifos and the petition:

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To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Thur 3/30/2017 3:46:20 PM
Subject: RE: Notification: EPA Denies Petition to Ban Chlorpyrifos

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To: Bennett, Tate[Bennett.Tate@epa.gov]; Glueck, James (Agriculture)[James_Glueck@ag.senate.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Wed 3/29/2017 9:56:42 PM
Subject: RE: heads up

Sounds good, Tate. And congrats on the new gig!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, March 29, 2017 5:43 PM
To: Glueck, James (Agriculture) <James_Glueck@ag.senate.gov>
Cc: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: RE: heads up

Of course. Andrew, let's touch base tomorrow.

From: Glueck, James (Agriculture) [mailto:James_Glueck@ag.senate.gov]
Sent: Wednesday, March 29, 2017 4:40 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: RE: heads up

Tate...

First...congrats on your new role...exciting stuff!

Second...we'd love a call/briefing on the chlorpyrifos issue. It's something the committee has been tracking closely for quite a while with Sven and the folks in OPP. I've copied Andrew on this note as he's the new policy lead on pesticide issues for the Committee.

Many thanks for the heads-up and for reaching out...

jag

4-5238

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Wednesday, March 29, 2017 2:04 PM
To: Glueck, James (Agriculture) <James_Glueck@ag.senate.gov>
Subject: heads up

Hey James!

Just wanted to give you a heads up that Administrator Pruitt will be making an announcement on Chlorpyrifos today. Happy to give you a call if you or your staff want more info.

Best

Tate

Elizabeth Tate Bennett
Sr. Advisor to the Administrator
Office of Congressional and Intergovernmental Affairs
U.S. Environmental Protection Agency

To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
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Sent: Wed 3/29/2017 8:39:59 PM
Subject: RE: heads up

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Elizabeth Tate Bennett

Sr. Advisor to the Administrator

Office of Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

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From: Revels, Stacy
Sent: Wed 3/29/2017 7:32:01 PM
Subject: RE: hi!

Thank you very much for the heads up!

Stacy

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To: Revels, Stacy <Stacy.Revels@mail.house.gov>; Heggem, Christine <Chris.Heggem@mail.house.gov>
Subject: RE: hi!

Hey!

Thanks Chris!

Stay, just wanted to let you know that Administrator Pruitt is making an announcement on Chlorpyrifos today. We are denying a petition by PANNA (Pesticide Action Network of North America) and NRDC to ban entirely the use of Chlorpyrifos. I'll be sure to send you our press release once it's out.

-Tate

Elizabeth Tate Bennett

Sr. Advisor to the Administrator

Office of Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

From: Revels, Stacy [<mailto:Stacy.Revels@mail.house.gov>]
Sent: Wednesday, March 29, 2017 2:24 PM
To: Heggem, Christine <Chris.Heggem@mail.house.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
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From: Revels, Stacy
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Subject: RE: hi!

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Who handles pesticides over yonder?

To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Revels, Stacy[Stacy.Revels@mail.house.gov]
From: Heggem, Christine
Sent: Wed 3/29/2017 6:10:39 PM
Subject: Re: hi!

Stacy Revels. She's new and she's great!

On Mar 29, 2017, at 2:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Who handles pesticides over yonder?

To: Bennett, Tate[Bennett.Tate@epa.gov]; Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Wed 6/28/2017 8:24:10 PM
Subject: PRIA Reauthorization Markup
[RYA17494.pdf](#)

Here is the manager's amendment for tomorrow's PRIA markup. It is a 3 year reauthorization.
Happy to answer any questions.

AMENDMENT NO. I I I I

Calendar No. I I I

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

H. R. 1029

To amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve pesticide registration and other activities under the Act, to extend and modify fee authorities, and for other purposes.

Referred to the Committee on I I I I I I I I I I and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. ROBERTS

Viz:

1 On page 2, strike line 3 and insert the following:
2 “Pesticide Registration Improvement Extension Act of
3 2017”.

4 On page 2, lines 14 and 15, strike “2017 through
5 2023” and insert “2018 through 2020”.

6 On page 2, line 20, strike “2017 through 2023” and
7 insert “2018 through 2020”.

1 On page 3, line 2, strike “2017 through 2023” and
2 insert “2018 through 2020”.

3 On page 3, line 7, strike “2017 through 2023” and
4 insert “2018 through 2020”.

5 On page 3, line 11, strike “2017 through 2023” and
6 insert “2018 through 2020”.

7 On page 3, line 13, strike “2023” and insert “2020”.

8 On page 3, strike lines 17 through 20 and insert the
9 following:

10 (1) by striking “the date of enactment of this
11 section and ending on September 30, 2019” and in-
12 serting “the effective date of the Pesticide Registra-
13 tion Improvement Extension Act of 2017 and ending
14 on September 30, 2022”; and

15 On page 4, line 4, strike “2023” and insert “2020”.

16 On page 4, line 14, insert “the period at the end of”
17 before “the second”.

1 On page 5, lines 20 and 21, strike “2017 through
2 2023” and insert “2018 through 2020”.

3 On page 6, line 8, strike “2017 through 2021” and
4 insert “2018 through 2020”.

5 On page 7, line 5, insert “or” after “powders,”.

6 On page 7, lines 13 and 14, strike “June 30, 2017.”
7 and insert “30 days after the effective date of the Pes-
8 ticide Registration Improvement Extension Act of 2017.”.

9 On page 7, line 25, strike “2020” and insert “2019”.

10 On page 8, line 15, strike “time-to-time” and insert
11 “time to time”.

12 On page 9, line 15, strike “2017 through 2023” and
13 insert “2018 through 2020”.

14 On page 11, strike line 20 and insert the following:
15 “COVERED APPLICATIONS”; and

1 Beginning on page 11, strike line 25 and all that fol-
2 lows through “(C) in” on page 12, line 12, and insert the
3 following:

4 (A) in subparagraph (A), by striking “pes-
5 ticide registration”; and
6 (B) in

7 On page 14, line 2, strike “2023” and insert “2020”.

8 On page 14, line 7, strike “2023” and insert “2020”.

9 On page 14, line 9, strike “2023” and insert “2020”.

10 On page 14, line 16, strike “Enhancement” and in-
11 sert “Improvement Extension”.

12 On page 14, line 25, strike “(7 U.S.C. 136w-
13 8(f)(1))” and insert “(7 U.S.C. 136w-8(f))”.

14 On page 15, line 4, strike “Enhancement” and insert
15 “Improvement Extension”.

16 On page 16, line 2, strike “2023” and insert “2020”.

1 On page 18, line 18, strike “vector-born public health
2 pests” and insert “invertebrate public health pests that
3 may transmit vector-borne disease”.

4 On page 20, line 17, strike “2023” and insert
5 “2020”.

6 On page 20, strike lines 22 and 23 and insert the
7 following:

8 “FISCAL YEAR 2021.—During fiscal year
9 2021”; and

10 On page 20, line 25, strike “2023” and insert
11 “2020”.

12 On page 21, strike lines 4 and 5 and insert the fol-
13 lowing:

14 “FISCAL YEAR 2022.—During fiscal year
15 2022”; and

16 On page 21, line 7, strike “2023” and insert “2020”.

17 On page 21, strike lines 10 and 11 and insert the
18 following:

1 2019” and inserting “SEPTEMBER 30, 2022.—
2 Effective September 30, 2022”; and

3 On page 21, line 14, strike “2023” and insert
4 “2020”.

5 Beginning on page 21, strike line 22 and all that fol-
6 lows through the end of the bill and insert the following:

7 “(3) SCHEDULE OF COVERED APPLICATIONS
8 AND OTHER ACTIONS AND THEIR REGISTRATION
9 SERVICE FEES.—Subject to paragraph (6), the
10 schedule of registration applications and other cov-
11 ered actions and their corresponding registration
12 service fees shall be as follows:

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE
INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
R010	1	New Active In- gredient, Food use. (2)(3)	24	753,082
R020	2	New Active In- gredient, Food use; reduced risk. (2)(3)	18	627,568

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE
INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R040	3	New Active In- gredient, Food use; Experi- mental Use Permit appli- cation; estab- lish temporary tolerance; sub- mitted before application for registration; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3)	18	462,502
R060	4	New Active In- gredient, Non- food use; out- door. (2)(3)	21	523,205
R070	5	New Active In- gredient, Non- food use; out- door; reduced risk. (2)(3)	16	436,004
R090	6	New Active In- gredient, Non- food use; out- door; Experi- mental Use Permit appli- cation; sub- mitted before application for registration; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3)	16	323,690

“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE
INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
R110	7	New Active In- gredient, Non- food use; in- door. (2)(3)	20	290,994
R120	8	New Active In- gredient, Non- food use; in- door; reduced risk. (2)(3)	14	242,495
R121	9	New Active In- gredient, Non- food use; in- door; Experi- mental Use Permit appli- cation; sub- mitted before application for registration; credit 45% of fee toward new active in- gredient appli- cation that fol- lows. (3)	18	182,327
R122	10	Enriched iso- mer(s) of reg- istered mixed- isomer active ingredient. (2)(3)	18	317,128
R123	11	New Active In- gredient, Seed treatment only; includes agricultural and non-agri- cultural seeds; residues not expected in raw agricul- tural commod- ities. (2)(3)	18	471,861

**“TABLE 1. — REGISTRATION DIVISION — NEW ACTIVE
INGREDIENTS—Continued**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R125	12	New Active In- gredient, Seed treatment; Ex- perimental Use Permit application; submitted be- fore applica- tion for reg- istration; cred- it 45% of fee toward new active ingre- dient applica- tion that fol- lows. (3)	16	323,690

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

10

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 2. — REGISTRATION DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R130	13	First food use; indoor; food/food handling. (2) (3)	21	191,444
R140	14	Additional food use; Indoor; food/food handling. (3) (4)	15	44,672
R150	15	First food use. (2)(3)	21	317,104
R155	16 (new)	First food use, Experimental Use Permit application; a.i. registered for non-food outdoor use. (3)(4)	21	264,253
R160	17	First food use; reduced risk. (2)(3)	16	264,253
R170	18	Additional food use. (3) (4)	15	79,349

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R175	19	Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups. (3)(4)	10	66,124
R180	20	Additional food use; reduced risk. (3)(4)	10	66,124
R190	21	Additional food uses; 6 or more submitted in one application. (3)(4)	15	476,090
R200	22	Additional Food Use; 6 or more submitted in one application; Reduced Risk. (3)(4)	10	396,742
R210	23	Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration. (3)(4)	12	48,986

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
R220	24	Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration. (3)(4)	6	19,838
R230	25	Additional use; non-food; outdoor. (3) (4)	15	31,713
R240	26	Additional use; non-food; outdoor; reduced risk. (3)(4)	10	26,427
R250	27	Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration. (3)(4)	6	19,838
R251	28	Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. (3)	8	19,838
R260	29	New use; non-food; indoor. (3) (4)	12	15,317

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
R270	30	New use; non- food; indoor; reduced risk. (3)(4)	9	12,764
R271	31	New use; non- food; indoor; Experimental Use Permit ap- plication; no credit toward new use reg- istration. (3)(4)	6	9,725
R273	32	Additional use; seed treatment; limited uptake into Raw Agri- cultural Com- modities; in- cludes crops with estab- lished toler- ances (e.g., for soil or foliar application); includes food and/or non- food uses. (3)(4)	12	50,445

“TABLE 2. — REGISTRATION DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R274	33	Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. (3)(4)	12	302,663

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

15

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND OTHER TOLERANCES

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R280	34	Establish import tolerance; new active ingredient or first food use. (2)	21	319,072
R290	35	Establish Import tolerance; Additional new food use.	15	63,816

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND
OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
R291	36	Establish import tolerances; additional food uses; 6 or more crops submitted in one petition.	15	382,886
R292	37	Amend an established tolerance (e.g., decrease or increase) and/or harmonize established tolerances with Codex MRLs; domestic or import; applicant-initiated.	11	45,341
R293	38	Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated.	12	53,483
R294	39	Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated.	12	320,894

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND
OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
R295	40	Establish toler- ance(s) for res- idues in one rotational crop in response to a specific rota- tional crop ap- plication; sub- mission of cor- responding label amend- ments which specify the nec- essary plant- back restric- tions; appli- cant-initiated. (3) (4)	15	66,124
R296	41	Establish toler- ances for resi- dues in rota- tional crops in response to a specific rota- tional crop pe- tition; 6 or more crops submitted in one applica- tion; submis- sion of cor- responding label amend- ments which specify the nec- essary plant- back restric- tions; appli- cant-initiated. (3) (4)	15	396,742

“TABLE 3. — REGISTRATION DIVISION — IMPORT AND
OTHER TOLERANCES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R297	42	Amend 6 or more established tolerances (e.g., decrease or increase) in one petition; domestic or import; applicant-initiated.	11	272,037
R298	43	Amend an established tolerance (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)	13	58,565
R299	44	Amend 6 or more established tolerances (e.g., decrease or increase); domestic or import; submission of corresponding amended labels (requiring science review). (3) (4)	13	285,261

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) Amendment applications to add the revised use pattern(s) to registered product labels are covered by the base fee for the category. All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the amendment application package is subject to the registration service fee for a new product or a new inert approval. However, if an amendment application only proposes to register the amendment for a new product and there are no amendments in the application, then review of one new product application is covered by the base fee. All such associated applications that are submitted together will be subject to the category decision review time.

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R300	45	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP – only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. (2)(3)	4	1,582

"TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R301	46	New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy (identical data citation and claims to cited product(s)), where applicant does not own all required data and does not have a specific authorization letter from data owner. (2)(3)	4	1,897

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
R310	47	<p>New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <p>Σ product chemistry and/or</p> <p>Σ acute toxicity and/or</p> <p>Σ child resistant packaging and/or</p> <p>Σ pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)</p>	7	7,301

"TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
R314	48	<p>New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <p>Σ product chemistry and/or</p> <p>Σ acute toxicity and/or</p> <p>Σ child resistant packaging and/or</p> <p>Σ pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)</p>	8	8,626

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R319	49	<p>New end use product containing up to three registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only:</p> <p>Σ product chemistry and/or</p> <p>Σ acute toxicity and/or</p> <p>Σ child resistant packaging and/or</p> <p>or</p> <p>Σ pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3)</p>	10	12,626

"TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R318	50 (new)	New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only: Σ product chemistry and/or Σ acute toxicity and/or Σ child resistant packaging and/or Σ pest(s) requiring efficacy (4) - for up to 3 target pests. (2)(3)	9	13,252

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R321	51 (new)	New end use product containing four or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; excludes products requiring or citing an animal safety study; requires review of data package within RD only; includes data and/or waivers of data for only: Σ product chemistry and/or Σ acute toxicity and/or Σ child resistant packaging and/or Σ pest(s) requiring efficacy (4) - for 4 to 7 target pests. (2)(3)	11	17,252

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
R315	52	New end-use, on-animal product, registered source of active ingredient(s), with the submission of data and/or waivers for only: Σ animal safety and Σ pest(s) requiring efficacy (4) and/or or Σ product chemistry and/or Σ acute toxicity and/or Σ child resistant packaging. (2) (3)	9	9,820

"TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R316	53 (new)	New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing two or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only: Σ product chemistry and/or Σ acute toxicity and/or Σ child resistant packaging and/or Σ pest(s) requiring efficacy (4) - for greater than 3 and up to 7 target pests. (2)(3)	9	11,301

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R317	54 (new)	New end-use or manufacturing product with registered source(s) of active ingredient(s) including products containing 2 or more registered active ingredients previously combined in other registered products; excludes products requiring or citing an animal safety study; and requires review of data and/or waivers for only: Σ product chemistry and/or Σ acute toxicity and/or Σ child resistant packaging and/or Σ pest(s) requiring efficacy (4) - for greater than 7 target pests. (2)(3)	10	15,301
R320	55	New product; new physical form; requires data review in science divisions. (2)(3)	12	13,226

“TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R331	56	New product; re-pack of identical registered end-use product as a manufacturing-use product, or identical registered manufacturing-use product as an end use product; same registered uses only. (2)(3)	3	2,530
R332	57	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions. (2)(3)	24	283,215

"TABLE 4. — REGISTRATION DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R333	58	New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc. Cite-all or selective data citation where applicant owns all required data. (2)(3)	10	19,838
R334	59	New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc. Selective data citation. (2)(3)	11	23,100

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are: public health pests listed in PR Notice 2002-1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.

"TABLE 5. — REGISTRATION DIVISION — AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R340	60	Amendment requiring data review within RD (e.g., changes to precautionary label statements); includes adding/modifying pest(s) claims for up to 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)	4	4,988

“TABLE 5. — REGISTRATION DIVISION —
AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
R341	61 (New)	Amendment requiring data review within RD (e.g., changes to precautionary label statements), includes adding/modifying pest(s) claims for greater than 2 target pests, excludes products requiring or citing an animal safety study. (2)(3)(4)	6	5,988
R345	62	Amending on-animal products previously registered, with the submission of data and/or waivers for only: Σ animal safety and Σ pest(s) requiring efficacy (4) and/or Σ product chemistry and/or Σ acute toxicity and/or Σ child resistant packaging. (2)(3)	7	8,820
R350	63	Amendment requiring data review in science divisions (e.g., changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement). (2)(3)	9	13,226

“TABLE 5. — REGISTRATION DIVISION —
AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R351	64	Amendment adding a new unregistered source of active ingredient. (2)(3)	8	13,226
R352	65	Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. (2) (3)	8	13,226
R371	66	Amendment to Experimental Use Permit; (does not include extending a permit's time period). (3)	6	10,090

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant-initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4) For the purposes of classifying proposed registration actions into PRIA categories, "pest(s) requiring efficacy" are: public health pests listed in PR Notice 2002-1, livestock pests (e.g. Horn flies, Stable flies), wood-destroying pests (e.g. termites, carpenter ants, wood-boring beetles) and certain invasive species (e.g. Asian Longhorned beetle, Emerald Ashborer). This list may be updated/refined as invasive pest needs arise. To determine the number of pests for the PRIA categories, pests have been placed into groups (general; e.g., cockroaches) and pest specific (specifically a test species). If seeking a label claim against a pest group (general), use the group listing below and each group will count as 1. The general pests groups are: mites, dust mites, chiggers, ticks, hard ticks, soft ticks, cattle ticks, scorpions, spiders, centipedes, lice, fleas, cockroaches, keds, bot flies, screwworms, filth flies, blow flies, house flies, flesh flies, mosquitoes, biting flies, horse flies, stable flies, deer flies, sand flies, biting midges, black flies, true bugs, bed bugs, stinging bees, wasps, yellow jackets, hornets, ants (excluding carpenter ants), fire and harvester ants, wood destroying beetles, carpenter ants, termites, subterranean termites, dry wood termites, arboreal termites, damp wood termites and invasive species. If seeking a claim against a specific pest without a general claim then each specific pest will count as 1.

"TABLE 6. — REGISTRATION DIVISION — OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
R124	67	Conditional Ruling on Pre-application Study Waivers; applicant-initiated.	6	2,530
R272	68	Review of Study Protocol applicant-initiated; excludes DART, pre-registration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review.	3	2,530
R275	69	Rebuttal of agency reviewed protocol, applicant initiated.	3	2,530
R370	70	Cancer reassessment; applicant-initiated.	18	198,250

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

**“TABLE 7. — ANTIMICROBIALS DIVISION — NEW
ACTIVE INGREDIENTS**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
A380	71	New Active Ingredient; Indirect Food use; establish tolerance or tolerance exemption if required. (2)(3)	24	137,841
A390	72	New Active Ingredient; Direct Food use; establish tolerance or tolerance exemption if required. (2)(3)	24	229,733
A410	73	New Active Ingredient Non-food use.(2)(3)	21	229,733
A431	74	New Active Ingredient, Non-food use; low-risk. (2)(3)	12	80,225

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 8. — ANTIMICROBIALS DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
A440	75	New Use, Indirect Food Use, establish tolerance or tolerance exemption. (2)(3)(4)	21	31,910
A441	76	Additional Indirect food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)	21	114,870
A450	77	New use, Direct food use, establish tolerance or tolerance exemption. (2)(3)(4)	21	95,724

“TABLE 8. — ANTIMICROBIALS DIVISION — NEW
USES—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
A451	78	Additional Direct food uses; establish tolerances or tolerance exemptions if required; 6 or more submitted in one application. (3)(4)(5)	21	182,335
A500	79	New use, non-food. (4)(5)	12	31,910
A501	80	New use, non-food; 6 or more submitted in one application. (4)(5)	15	76,583

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW
PRODUCTS AND AMENDMENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
A530	81	New product, identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite all data citation or selective data citation where applicant owns all required data; or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing use product that requires no data submission nor data matrix. (2)(3)	4	1,278

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW
PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
A531	82	New product; identical or substantially similar in composition and use to a registered product; reg- istered source of active in- gredient; selec- tive data cita- tion only for data on prod- uct chemistry and/or acute toxicity and/or public health pest efficacy, where appli- cant does not own all re- quired data and does not have a specific authorization letter from data owner. (2)(3)	4	1,824

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW
PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
A532	83	New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted. (2)(3)	5	5,107
A540	84	New end use product; FIFRA §2(mm) uses only; up to 25 public health organisms. (2)(3)(5)(6)	5	5,107
A541	85 (new)	New end use product; FIFRA §2(mm) uses only; 26-50 public health organisms. (2)(3)(5)(6)	7	8,500

“TABLE 9. — ANTIMICROBIALS DIVISION — NEW
PRODUCTS AND AMENDMENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
A542	86 (new)	New end use product; FIFRA §2(mm) uses only; ≥ 51 public health organisms. (2)(3)(5)	10	15,000
A550	87	New end-use product; uses other than FIFRA §2(mm); non-FQPA product. (2)(3)(5)	9	13,226
A560	88	New manufacturing use product; registered active ingredient; selective data citation. (2)(3)	6	12,596
A565	89 (new)	New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of new generic data package; registered uses only; requires science review. (2)(3)	12	18,234

**“TABLE 9. — ANTIMICROBIALS DIVISION — NEW
PRODUCTS AND AMENDMENTS—Continued**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
A570	90	Label amend- ment requiring data review; up to 25 pub- lic health or- ganisms. (3)(4)(5)(6)	4	3,831
A573	91 (new)	Label amend- ment requiring data review; 26-50 public health orga- nisms. (2)(3)(5)(7)	6	6,350
A574	92 (new)	Label amend- ment requiring data review; ≥ 51 public health orga- nisms. (2)(3)(5)(7)	9	11,000
A572	93	New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate). (2)(3)(4)	9	13,226

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(4)(a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) The applicant must identify the substantially similar product if opting to use cite-all or the selective method to support acute toxicity data requirements.

(6) Once a submission for a new product with public health organisms has been submitted and classified in either A540 or A541, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number of organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.

(7) Once a submission for a label amendment with public health organisms has been submitted and classified in either A570 or A573, additional organisms submitted for the same product before expiration of the first submission's original decision review time period will result in reclassification of both the original and subsequent submission into the appropriate new category based on the sum of the number of organisms in both submissions. A reclassification would result in a new PRIA start date and require additional fees to meet the fee of the new category.

“TABLE 10. — ANTIMICROBIALS DIVISION —
EXPERIMENTAL USE PERMITS AND OTHER ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
A520	94	Experimental Use Permit application, non-food use. (2)	9	6,383

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
A521	95	Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 1.	4	4,726
A522	96	Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 2.	12	12,156

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
A537	97 (new)	New Active Ingredient/New Use, Experimental Use Permit application; Direct food use; Establish tolerance or tolerance exemption if required. Credit 45% of fee toward new active ingredient/new use application that follows.	18	153,156
A538	98 (new)	New Active Ingredient/New Use, Experimental Use Permit application; Indirect food use; Establish tolerance or tolerance exemption if required Credit 45% of fee toward new active ingredient/new use application that follows.	18	95,724

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
A539	99 (new)	New Active Ingredient/New Use, Experimental Use Permit application; Nonfood use. Credit 45% of fee toward new active ingredient/new use application that follows.	15	92,163
A529	100	Amendment to Experimental Use Permit; requires data review or risk assessment. (2)	9	11,429
A523	101	Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols).	9	12,156
A571	102	Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant-initiated.	18	95,724
A533	103 (new)	Exemption from the requirement of an Experimental Use Permit. (2)	4	2,482

“TABLE 10. — ANTIMICROBIALS DIVISION — EXPERIMENTAL USE PERMITS AND OTHER ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
A534	104 (new)	Rebuttal of agency reviewed protocol, applicant initiated.	4	4,726
A535	105 (new)	Conditional Ruling on Pre-application Study Waiver or Data Bridging Argument; applicant-initiated.	6	2,409
A536	106 (new)	Conditional Ruling on Pre-application Direct Food, Indirect Food, Nonfood use determination; applicant-initiated.	4	2,482

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE
INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
B580	107	New active in- gredient; food use; petition to establish a tol- erance. (2)(3)	20	51,053
B590	108	New active in- gredient; food use; petition to establish a tol- erance exemp- tion. (2)(3)	18	31,910
B600	109	New active in- gredient; non- food use. (2)(3)	13	19,146
B610	110	New active in- gredient; Ex- perimental Use Permit application; petition to es- tablish a tem- porary toler- ance or tem- porary toler- ance exemp- tion. (3)	10	12,764
B611	111	New active in- gredient; Ex- perimental Use Permit application; petition to es- tablish perma- nent tolerance exemption. (3)	12	12,764
B612	112	New active in- gredient; no change to a permanent tol- erance exemp- tion. (2)(3)	10	17,550

“TABLE 11. — BIOPESTICIDES DIVISION — NEW ACTIVE INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
B613	113	New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption. (2)(3)	11	17,550
B620	114	New active ingredient; Experimental Use Permit application; non-food use including crop destruct. (3)	7	6,383

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 12. — BIOPESTICIDES DIVISION — NEW USES

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B630	115	First food use; petition to establish a tolerance exemption. (2)(4)	13	12,764
B631	116	New food use; petition to amend an established tolerance. (3)(4)	12	12,764
B640	117	First food use; petition to establish a tolerance. (2)(4)	19	19,146
B643	118	New Food use; petition to amend an established tolerance exemption. (3)(4)	10	12,764
B642	119	First food use; indoor; food/food handling. (2)(4)	12	31,910

“TABLE 12. — BIOPESTICIDES DIVISION — NEW USES—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B644	120	New use, no change to an established tolerance or tolerance exemption. (3)(4)	8	12,764
B650	121	New use; non-food. (3)(4)	7	6,383
B645	122 (new)	New food use; Experimental Use Permit application; petition to amend or add a tolerance exemption. (4)	12	12,764
B646	123 (new)	New use; non-food use including crop destruct; Experimental Use Permit application. (4)	7	6,383

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(4) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
B652	124	New product; reg- istered source of active ingre- dient; requires petition to amend estab- lished tolerance or tolerance ex- emption; re- quires 1) sub- mission of prod- uct specific data; or 2) cita- tion of pre- viously reviewed and accepted data; or 3) sub- mission or cita- tion of data generated at government ex- pense; or 4) submission or citation of sci- entifically-sound rationale based on publicly available lit- erature or other relevant infor- mation that ad- dresses the data requirement; or 5) submission of a request for a data require- ment to be waived sup- ported by a sci- entifically-sound rationale ex- plaining why the data require- ment does not apply. (2)(3)	13	12,764

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
B660	125	New product; reg- istered source of active ingre- dient(s); iden- tical or substan- tially similar in composition and use to a reg- istered product. No data review, or only product chemistry data; cite-all data ci- tation, or selec- tive data cita- tion where ap- plicant owns all required data or authorization from data owner is demonstrated. Category in- cludes 100% re- package of reg- istered end-use or manufac- turing-use prod- uct that re- quires no data submission or data matrix. For microbial pesticides, the active ingre- dient(s) must not be re-iso- lated. (2)(3)	4	1,278

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
B670	126	New product; reg- istered source of active ingre- dient(s); re- quires: 1) sub- mission of prod- uct specific data; or 2) cita- tion of pre- viously reviewed and accepted data; or 3) sub- mission or cita- tion of data generated at government ex- pense; or 4) submission or citation of a sci- entifically-sound rationale based on publicly available lit- erature or other relevant infor- mation that ad- dresses the data requirement; or 5) submission of a request for a data require- ment to be waived sup- ported by a sci- entifically-sound rationale ex- plaining why the data require- ment does not apply. (2)(3)	7	5,107

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
B671	127	New product; un-registered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)	17	12,764

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
B672	128	New product; un-registered source of active ingredient(s); non-food use or food use requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (2)(3)	13	9,118

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B673	129	New product MUP/EP; un- registered source of active ingredient(s); ci- tation of Tech- nical Grade Ac- tive Ingredient (TGA1) data previously re- viewed and ac- cepted by the Agency. Re- quires an Agen- cy determina- tion that the cited data sup- ports the new product. (2)(3)	10	5,107
B674	130	New product MUP; Repack of identical reg- istered end-use product as a manufacturing- use product; same registered uses only. (2)(3)	4	1,278
B675	131	New Product MUP; registered source of active ingredient; sub- mission of com- pletely new ge- neric data pack- age; registered uses only. (2)(3)	10	9,118

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
B676	132	New product; more than one active ingredient where one active ingredient is an unregistered source; product chemistry data must be sub- mitted; requires: 1) submission of product specific data, and 2) ci- tation of pre- viously reviewed and accepted data; or 3) sub- mission or cita- tion of data generated at government ex- pense; or 4) submission or citation of a sci- entifically-sound rationale based on publicly available lit- erature or other relevant infor- mation that ad- dresses the data requirement; or 5) submission of a request for a data require- ment to be waived sup- ported by a sci- entifically-sound rationale ex- plaining why the data require- ment does not apply. (2)(3)	13	9,118

“TABLE 13. — BIOPESTICIDES DIVISION — NEW
PRODUCTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
B677	133	New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: Σ product chemistry and/or Σ acute toxicity and/or Σ public health pest efficacy and/or Σ animal safety studies and/or Σ child resistant packaging. (2)(3)	10	8,820

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

**“TABLE 14. — BIOPESTICIDES DIVISION —
AMENDMENTS**

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B621	134	Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption. (3)	7	5,107
B622	135	Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption. (3)	11	12,764
B641	136	Amendment of an established tolerance or tolerance exemption.	13	12,764
B680	137	Amendment; registered sources of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption. Requires data submission. (2)(3)	5	5,107
B681	138	Amendment; unregistered source of active ingredient(s). Requires data submission. (2)(3)	7	6,079
B683	139	Label amendment; requires review/update of previous risk assessment(s) without data submission (e.g., labeling changes to REI, PPE, PHI). (2)(3)	6	5,107
B684	140	Amending non-food animal product that includes submission of target animal safety data; previously registered. (2)(3)	8	8,820
B685	141 (new)	Amendment; add a new biochemical unregistered source of active ingredient or a new microbial production site. Requires submission of analysis of samples data and source/production site-specific manufacturing process description. (3)	5	5,107

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(3) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent resubmission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B690	142	New active ingredient; food or non-food use. (2)(6)	7	2,554
B700	143	Experimental Use Permit application; new active ingredient or new use. (6)	7	1,278
B701	144	Extend or amend Experimental Use Permit. (6)	4	1,278

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registra- tion Service Fee (\$)
B710	145	New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption. No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated. Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. (3)(6)	4	1,278

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registra- tion Service Fee (\$)
B720	146	New product; registered source of active ingredient(s); requires: 1) submission of product specific data; or 2) citation of previously reviewed and accepted data; or 3) submission or citation of data generated at government expense; or 4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or 5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. (3)(6)	5	1,278

“TABLE 15. — BIOPESTICIDES DIVISION — SCLP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
B721	147	New product; unregistered source of active ingredient. (3)(6)	7	2,676
B722	148	New use and/or amendment; petition to establish a tolerance or tolerance exemption. (4)(5)(6)	7	2,477
B730	149	Label amendment requiring data submission. (4)(6)	5	1,278

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) All requests for new uses (food and/or nonfood) contained in any application for a new active ingredient or a first food use are covered by the base fee for that new active ingredient or first food use application and retain the same decision time review period as the new active ingredient or first food use application. The application must be received by the agency in one package. The base fee for the category covers a maximum of five new products. Each application for an additional new product registration and new inert approval that is submitted in the new active ingredient application package or first food use application package is subject to the registration service fee for a new product or a new inert approval. All such associated applications that are submitted together will be subject to the new active ingredient or first food use decision review time. In the case of a new active ingredient application, until that new active ingredient is approved, any subsequent application for another new product containing the same active ingredient or an amendment to the proposed labeling will be deemed a new active ingredient application, subject to the registration service fee and decision review time for a new active ingredient. In the case of a first food use application, until that first food use is approved, any subsequent application for an additional new food use or uses will be subject to the registration service fee and decision review time for a first food use. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screening, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new active ingredient or first food use application.

(3) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(4) (a) EPA-initiated amendments shall not be charged registration service fees. (b) Registrant-initiated fast-track amendments are to be completed within the timelines specified in FIFRA Section 3(c)(3)(B) and are not subject to registration service fees. (c) Registrant-initiated fast-track amendments handled by the Antimicrobials Division are to be completed within the timelines specified in FIFRA Section 3(h) and are not subject to registration service fees. (d) Registrant-initiated amendments submitted by notification under PR Notices, such as PR Notice 98-10, continue under PR Notice timelines and are not subject to registration service fees. (e) Submissions with data and requiring data review are subject to registration service fees.

(5) Amendment applications to add the new use(s) to registered product labels are covered by the base fee for the new use(s). All items in the covered application must be submitted together in one package. Each application for an additional new product registration and new inert approval(s) that is submitted in the new use application package is subject to the registration service fee for a new product or a new inert approval. However, if a new use application only proposes to register the new use for a new product and there are no amendments in the application, then review of one new product application is covered by the new use fee. All such associated applications that are submitted together will be subject to the new use decision review time. Any application for a new product or an amendment to the proposed labeling (a) submitted subsequent to submission of the new use application and (b) prior to conclusion of its decision review time and (c) containing the same new uses, will be deemed a separate new-use application, subject to a separate registration service fee and new decision review time for a new use. If the new-use application includes non-food (indoor and/or outdoor), and food (outdoor and/or indoor) uses, the appropriate fee is due for each type of new use and the longest decision review time applies to all of the new uses requested in the application. Any information that (a) was neither requested nor required by the Agency, and (b) is submitted by the applicant at the applicant's initiative to support the application after completion of the technical deficiency screen, and (c) is not itself a covered registration application, must be assessed 25% of the full registration service fee for the new use application.

(6) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 16. — BIOPESTICIDES DIVISION — OTHER
ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
B614	150	Pre-application; Conditional Ruling on ra- tionales for addressing a data require- ment in lieu of data; appli- cant-initiated; applies to one rationale at a time.	3	2,530
B615	151	Rebuttal of agency re- viewed pro- tocol, appli- cant initiated.	3	2,530
B682	152	Protocol review; applicant initi- ated; excludes time for HSRB review.	3	2,432

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

“TABLE 17. — BIOPESTICIDES DIVISION — PIP

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registration Service Fee (\$)
B740	153	<p>Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:</p> <ol style="list-style-type: none"> 1. non-food/feed use(s) for a new (2) or registered (3) PIP (12); 2. food/feed use(s) for a new or registered PIP with crop destruct (12); 3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). (4)(12) 	6	95,724

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
B741	154 (new)	<p>Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes:</p> <ol style="list-style-type: none"> 1. non-food/feed use(s) for a new (2) or registered (3) PIP; 2. food/feed use(s) for a new or registered PIP with crop destruct; 3. food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s); <p>SAP Review. (12)</p>	12	159,538
B750	155	<p>Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered (3) PIP. (4)(12)</p>	9	127,630

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B770	156	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. (5)(12)	15	191,444
B771	157	Experimental Use Permit application; new (2) PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows. (12)	10	127,630
B772	158	Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. (12)	3	12,764

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
B773	159	Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. (12)	5	31,910
B780	160	Registration application; new (2) PIP; non-food/feed. (12)	12	159,537
B790	161	Registration application; new (2) PIP; non-food/feed; SAP review. (5)(12)	18	223,351
B800	162	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. (12)	13	172,300

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B810	163	Registration application; new (2) PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. (5)(12)	19	236,114
B820	164	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. (12)	15	204,208
B840	165	Registration application; new (2) PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. (5)(12)	21	268,022
B851	166	Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)	9	127,630

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B870	167	Registration application; registered (3) PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (4) (12)	9	38,290
B880	168	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (6) (7) (12)	9	31,910
B881	169	Registration application; registered (3) PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. (5)(6)(7)(12)	15	95,724

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registra- tion Service Fee (\$)
B882	170 (new)	Registration applica- tion; new (2) PIP, seed increase with negotiated acre- age cap and time- limited registra- tion; with petition to establish a per- manent tolerance/ tolerance exemp- tion for the active ingredient based on an existing temporary toler- ance/tolerance ex- emption; SAP Re- view. (8)(12)	15	191,444
B883	171	Registration applica- tion; new (2) PIP, seed increase with negotiated acre- age cap and time- limited registra- tion; with petition to establish a per- manent tolerance/ tolerance exemp- tion for the active ingredient based on an existing temporary toler- ance/tolerance ex- emption. (8) (12)	9	127,630

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B884	172	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. (8)(12)	12	159,537
B885	173	Registration application; registered (3) PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). (9)(12)	6	31,910
B886	174 (new)	Registration application; new (2) PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. SAP Review. (8) (12)	18	223,351

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B890	175	Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). (12)	9	63,816
B891	176	Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. (5)(12)	15	127,630
B900	177	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. (10)(11)(12)	6	12,764

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)₍₁₎	Registration Service Fee (\$)
B901	178	Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. (10) (11) (12)	12	76,578
B902	179	PIP Protocol review.	3	6,383
B903	180	Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD.	6	63,816
B904	181	Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient).	9	127,630
B905	182 (new)	SAP Review.	6	63,816
B906	183 (new)	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients.	3	31,907

“TABLE 17. — BIOPESTICIDES DIVISION — PIP—
Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
B907	184 (new)	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients based on an existing temporary tolerance/tolerance exemption.	3	12,764
B908	185 (new)	Petition to establish a temporary tolerance/tolerance exemption for one or more active ingredients or inert ingredients.	3	44,671

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) New PIP = a PIP with an active ingredient that has not been registered.

(3) Registered PIP = a PIP with an active ingredient that is currently registered.

(4) Transfer registered PIP through conventional breeding for new food/feed use, such as from field corn to sweet corn.

(5) The scientific data involved in this category are complex. EPA often seeks technical advice from the Scientific Advisory Panel on risks that pesticides pose to wildlife, farm workers, pesticide applicators, non-target species, as well as insect resistance, and novel scientific issues surrounding new technologies. The scientists of the SAP neither make nor recommend policy decisions. They provide advice on the science used to make these decisions. Their advice is invaluable to the EPA as it strives to protect humans and the environment from risks posed by pesticides. Due to the time it takes to schedule and prepare for meetings with the SAP, additional time and costs are needed.

(6) Registered PIPs stacked through conventional breeding.

(7) Deployment of a registered PIP with a different IRM plan (e.g., seed blend).

(8) The negotiated acreage cap will depend upon EPA's determination of the potential environmental exposure, risk(s) to non-target organisms, and the risk of targeted pest developing resistance to the pesticidal substance. The uncertainty of these risks may reduce the allowable acreage, based upon the quantity and type of non-target organism data submitted and the lack of insect resistance management data, which is usually not required for seed-increase registrations. Registrants are encouraged to consult with EPA prior to submission of a registration application in this category.

(9) Application can be submitted prior to or concurrently with an application for commercial registration.

(10) For example, IRM plan modifications that are applicant-initiated.

(11) EPA-initiated amendments shall not be charged fees.

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(12) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

“TABLE 18. — INERT INGREDIENTS

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registration Service Fee (\$)
I001	186	Approval of new food use inert ingredient. (2)(3)	13	27,000
I002	187	Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. (2)	11	7,500
I003	188	Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. (2)	9	3,308
I004	189	Approval of new non-food use inert ingredient. (2)	6	11,025
I005	190	Amend currently approved non-food use inert ingredient with new use pattern; new data. (2)	6	5,513

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I006	191	Amend currently approved non-food use inert ingredient with new use pattern; no new data. (2)	3	3,308
I007	192	Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. (2)	4	1,654
I008	193	Approval of new or amended polymer inert ingredient, food use. (2)	5	3,749
I009	194	Approval of new or amended polymer inert ingredient, non-food use. (2)	4	3,087
I010	195	Petition to amend a single tolerance exemption descriptor, or single non-food use descriptor, to add ≤ 10 CASRNs; no new data. (2)	6	1,654
I011	196 (new)	Approval of new food use safener with tolerance or exemption from tolerance. (2)(8)	24	597,683

“TABLE 18. — INERT INGREDIENTS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
I012	197 (new)	Approval of new non-food use safener. (2)(8)	21	415,241
I013	198 (new)	Approval of additional food use for previously approved safener with tolerance or exemption from tolerance. (2)	15	62,975
I014	199 (new)	Approval of additional non-food use for previously approved safener. (2)	15	25,168
I015	200 (new)	Approval of new generic data for previously approved food use safener. (2)	24	269,728
I016	201 (new)	Approval of amendment(s) to tolerance and label for previously approved safener. (2)	13	55,776

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

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(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(8) If a new safener is submitted in the same package as a new active ingredient, and that new active ingredient is determined to be reduced risk, then the safener would get the same reduced timeframe as the new active ingredient.

“TABLE 19. — EXTERNAL REVIEW AND
MISCELLANEOUS ACTIONS

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registration Service Fee (\$)
M001	202	Study protocol requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)	9	7,938
M002	203	Completed study requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. (4)	9	7,938

“TABLE 19. — EXTERNAL REVIEW AND
MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ₍₁₎	Registra- tion Service Fee (\$)
M003	204	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	12	63,945

“TABLE 19. — EXTERNAL REVIEW AND
MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months) ⁽¹⁾	Registra- tion Service Fee (\$)
M004	205	External technical peer review of new active ingredient, product, or amendment (e.g., consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. (5)	18	63,945

“TABLE 19. — EXTERNAL REVIEW AND
MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
M005	206	New Product: Combination, Contains a combination of active ingredi- ents from a registered and/ or unregis- tered source; conventional, antimicrobial and/or biopes- ticide. Re- quires coordi- nation with other regu- latory divi- sions to con- duct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combina- tion product. (6)(7)	9	22,050
M006	207	Request for up to 5 letters of certification (Gold Seal) for one ac- tively reg- istered prod- uct (excludes distributor products). (8)	1	277

“TABLE 19. — EXTERNAL REVIEW AND
MISCELLANEOUS ACTIONS—Continued

EPA No.	New CR No.	Action	Decision Review Time (Months)⁽¹⁾	Registra- tion Service Fee (\$)
M007	208	Request to ex- tend Exclusive Use of data as provided by FIFRA Sec- tion 3(c)(1)(F)(ii).	12	5,513
M008	209	Request to grant Exclusive Use of data as pro- vided by FIFRA Sec- tion 3(c)(1)(F)(vi) for a minor use, when a FIFRA Sec- tion 2(II)(2) determination is required.	15	1,654
M009	210 (new)	Non-FIFRA Regulated De- termination: Applicant ini- tiated, per product.	4	2,363
M010	211 (new)	Conditional rul- ing on pre-ap- plication, product sub- stantial simi- larity.	4	2,363
M011	212 (new)	Label amend- ment to add the DfE logo; requires data review; no other label changes. (9)	4	3,648

(1) A decision review time that would otherwise end on a Saturday, Sunday, or federal holiday, will be extended to end on the next business day.

(2) If another covered application is submitted that depends upon an application to approve an inert ingredient, each application will be subject to its respective registration service fee. The decision review time line for both submissions will be the longest of the associated applications. If the application covers multiple ingredients grouped by EPA into one chemical class, a single registration service fee will be assessed for approval of those ingredients.

(3) If EPA data rules are amended to newly require clearance under section 408 of the FFDCA for an ingredient of an antimicrobial product where such ingredient was not previously subject to such a clearance, then review of the data for such clearance of such product is not subject to a registration service fee for the tolerance action for two years from the effective date of the rule.

(4) Any other covered application that is associated with and dependent on the HSRB review will be subject to its separate registration service fee. The decision review times for the associated actions run concurrently, but will end at the date of the latest review time.

(5) Any other covered application that is associated with and dependent on the SAP review will be subject to its separate registration service fee. The decision review time for the associated action will be extended by the decision review time for the SAP review.

(6) An application for a new end-use product using a source of active ingredient that (a) is not yet registered but (b) has an application pending with the Agency for review, will be considered an application for a new product with an unregistered source of active ingredient.

(7) Where the action involves approval of a new or amended label, on or before the end date of the decision review time, the Agency shall provide to the applicant a draft accepted label, including any changes made by the Agency that differ from the applicant-submitted label and relevant supporting data reviewed by the Agency. The applicant will notify the Agency that the applicant either (a) agrees to all of the terms associated with the draft accepted label as amended by the Agency and requests that it be issued as the accepted final Agency-stamped label; or (b) does not agree to one or more of the terms of the draft accepted label as amended by the Agency and requests additional time to resolve the difference(s); or (c) withdraws the application without prejudice for subsequent re-submission, but forfeits the associated registration service fee. For cases described in (b), the applicant shall have up to 30 calendar days to reach agreement with the Agency on the final terms of the Agency-accepted label. If the applicant agrees to all of the terms of the accepted label as in (a), including upon resolution of differences in (b), the Agency shall provide an accepted final Agency-stamped label to the registrant within 2 business days following the registrant's written or electronic confirmation of agreement to the Agency.

(8) Due to low fee and short time frame this category is not eligible for small business waivers. Gold seal applies to one registered product.

(9) This category includes amendments the sole purpose of which is to add DfE (or equivalent terms that do not use "safe" or derivatives of "safe") logos to a label. DfE is a voluntary program. A label bearing a DfE logo is not considered an Agency endorsement because the ingredients in the qualifying product must meet objective, scientific criteria established and widely publicized by EPA."

1 **SEC. 7. EFFECTIVE DATE.**

2 The amendments made by this Act take effect on Oc-
3 tober 1, 2017.

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Santos, Rachel (Appropriations)
Sent: Fri 5/12/2017 8:08:19 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 4:07 PM
To: Santos, Rachel (Appropriations) <Rachel_Santos@appro.senate.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Our office is across from Trump Hotel and Central.

Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 4:06 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 1:26 PM
To: Santos, Rachel (Appropriations) <Rachel_Santos@appro.senate.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 10:56 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>

Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 11, 2017

EPA Extends Timeline for Pesticide Applicators Rule

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced a 12-month extension for implementation of the revised final Certification and Training of Pesticide Applicators (C&T) rule. EPA received feedback from states and stakeholders that more time and resources are needed to prepare for compliance with the rule. The extended timeline will enable EPA to work with states and provide adequate compliance and training resources.

“In order to achieve both environmental protection and economic prosperity, we must give the regulated community, which includes farmers and ranchers, adequate time to come into compliance with regulations. Extending the timeline for implementation of this rule will enable EPA to consult with states, assist with education, training and guidance, and prevent unnecessary burdens from overshadowing the rule’s intended benefits,” **said Administrator Pruitt.**

Last month, Administrator Pruitt met with Missouri Governor Eric Greitens to discuss the C&T rule, among other issues.

"Administrator Pruitt proved today that the old way of doing business at the EPA is over and done with. We presented them with a problem, and they took quick action to begin fixing it. Missouri farmers have waited a long time for common sense government, and now it's on its way. I'm grateful for this new leadership, and look forward to continuing to work with this administration to curb regulations that are killing jobs and hurting our farmers. It's time for government to get out of the way and

let our farmers farm,” **said Governor Greitens.**

“We greatly appreciate EPA extending the effective date of this rule. While we are supportive of the improved final rule released in January, States are facing a range of on-going logistical, resource, and capacity challenges. These challenges are amplified as they also implement other recent EPA requirements, such as the Worker Protection Standard. Extending the certification timeline will help alleviate some of those challenges by allowing states to work with our EPA partners to ensure adequate training resources and compliance assistance activities,” **said Dr. Barbara P. Glenn, CEO of the National Association of State Departments of Agriculture.**

Administrator Pruitt recently launched his *Back-to-Basics agenda* for returning EPA to its core mission: protecting the environment by engaging with state, local, and tribal partners to create sensible regulations that enhance economic growth. Today’s action is the latest evidence of Administrator Pruitt’s commitment to cooperative federalism and getting the EPA back to basics.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Santos, Rachel (Appropriations)
Sent: Fri 5/12/2017 8:05:34 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 1:26 PM
To: Santos, Rachel (Appropriations) <Rachel_Santos@appro.senate.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 10:56 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:

press@epa.gov

FOR IMMEDIATE RELEASE

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“In order to achieve both environmental protection and economic prosperity, we must give the regulated community, which includes farmers and ranchers, adequate time to come into compliance with regulations. Extending the timeline for implementation of this rule will enable EPA to consult with states, assist with education, training and guidance, and prevent unnecessary burdens from overshadowing the rule’s intended benefits,” **said Administrator Pruitt.**

Last month, Administrator Pruitt met with Missouri Governor Eric Greitens to discuss the C&T rule, among other issues.

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R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Carroll, Patrick (Appropriations)
Sent: Fri 5/12/2017 4:05:02 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Nope, but doubt he would since this falls under Carlisle

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 11:07 AM
To: Carroll, Patrick (Appropriations) <Patrick_Carroll@appro.senate.gov>
Subject: Re: EPA Extends Timeline for Pesticide Applicators Rule

We have a new senate guy. Did he send this to you?

On May 12, 2017, at 11:06 AM, Carroll, Patrick (Appropriations)
<Patrick_Carroll@appro.senate.gov> wrote:

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:

press@epa.gov

FOR IMMEDIATE RELEASE

May 11, 2017

EPA Extends Timeline for Pesticide Applicators Rule

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced a 12-month extension for implementation of the revised final Certification and Training of Pesticide Applicators (C&T) rule. EPA received feedback from states and stakeholders that more time and resources are needed to prepare for compliance with the rule. The extended timeline will enable EPA to work with states and provide adequate compliance and training resources.

“In order to achieve both environmental protection and economic prosperity, we must give the regulated community, which includes farmers and ranchers, adequate time to come into compliance with regulations. Extending the timeline for implementation of this rule will enable EPA to consult with states, assist with education, training and guidance, and prevent unnecessary burdens from overshadowing the rule’s intended benefits,” **said Administrator Pruitt.**

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R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Carroll, Patrick (Appropriations)
Sent: Fri 5/12/2017 3:05:01 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
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R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Santos, Rachel (Appropriations)
Sent: Fri 5/12/2017 2:55:30 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
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R082

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Heggem, Christine
Sent: Fri 5/12/2017 1:39:46 PM
Subject: Re: Aaron Ringel

I haven't seen it.

On May 12, 2017, at 9:05 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

He's covering the House now. Did he send you all the update on Pesticide Applicator
Extention?

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Bennett, Tate[Bennett.Tate@epa.gov]; Palich, Christian[palich.christian@epa.gov]; Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Wed 5/10/2017 11:10:28 PM
Subject: Questions for the hearing

Hi all – here are some potential questions Sen. Roberts could pose to the EPA witness tomorrow. Hopefully, these aren't difficult to answer. Just wanted to pass them along ahead of time.

1. Mr. Keigwin – Pesticide Registration Improvement Act (PRIA)

In the context of PRIA, often times the conversation focuses only on the benefits for the registrants. Can you elaborate on the other types of benefits that PRIA provides, such as certainty and worker protection?

2. Mr. Keigwin – Pesticide Registration Improvement Act (PRIA)

"PRIA 4," which passed the House in a bipartisan manner on the suspension calendar, contains a reauthorization provision for 7 years. Can you please walk us through a timeline that illustrates how this 7 years will be used towards the registration of pesticides?

-

3. Mr. Keigwin – Stakeholder Outreach

In your testimony you discuss an initiative launched by Administrator Pruitt – the "Back to Basics" agenda. Can you elaborate further on what EPA hopes to achieve through this effort, who are the stakeholders, and what action items should Congress anticipate from this?

Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Tue 5/9/2017 1:16:33 AM
Subject: Re: Witness List - 5/11

Not yet but will let you know once I get some drafted.

On May 8, 2017, at 8:49 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Do you have a list of potential questions?

On May 8, 2017, at 7:43 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

FYI

Senate Committee on Agriculture, Nutrition, & Forestry

Full Committee Hearing

Pesticide Registration under the Federal Insecticide, Fungicide, and
Rodenticide Act: Providing Stakeholders with Certainty through the
Pesticide Registration Improvement Act

Thursday, May 11, 2017 — 9:30 am

328A Russell Senate Office Building

Witness List

Panel I

Mr. Rick Keigwin, Acting Director, Office of Pesticide Programs, U.S.
Environmental Protection Agency, Washington, DC

Dr. Sheryl Kunickis, Director, Office of Pest Management Policy, U.S. Department of Agriculture, Washington, DC

Panel II

Mr. Dale Murden, Past Chair, National Sorghum Producers; Past Chair, Texas Sorghum Producers; President, Texas Citrus Mutual, Mission, TX

Mr. Gary W. Black, Commissioner, Georgia Department of Agriculture, Atlanta, GA

Mr. Jay Vroom, President & Chief Executive Officer, CropLife America, Washington, DC

Ms. Virginia E. Ruiz, Director of Occupational and Environmental Health, Farmworker Justice, Washington, DC

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Thur 5/4/2017 11:01:20 PM
Subject: Full Committee Hearing Notice - 5/11

Just passing this along. Below you will find the title for the hearing.

Andrew

Senate Committee on Agriculture, Nutrition, & Forestry

Full Committee Hearing Notice

To: All Committee Members

Title: Pesticide Registration under the Federal Insecticide, Fungicide, and Rodenticide Act: Providing Stakeholders with Certainty through the Pesticide Registration Improvement Act.

Date: Thursday, May 11, 2017

Time: 9:30 am

Place: 328A Russell Senate Office Building

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Wed 5/3/2017 11:11:26 PM
Subject: May 11th Hearing

Tate – just wanted to check in with you on the pesticide registration hearing we are planning to have on Thursday, May 11th. The target is to start in the morning, tentatively 9:30 a.m. I hope to have the formal invitation to you very soon. Just wanted to flag for you from a planning perspective that we will be asking for EPA testimony by COB Monday, May 8th.

Thank you in advance for your help. I know there have been a lot of moving parts with regard to planning so thank you for bearing with me.

Let me know if you or anyone on your team has any questions.

Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Conner, Katelyn (McConnell)
Sent: Wed 5/3/2017 12:50:06 PM
Subject: RE: I realize this is cheating

Sounds good. See you this afternoon!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 02, 2017 10:53 PM
To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>
Subject: Re: I realize this is cheating

For KY? Pesticides specifically worker protection and applicator rule, PRIA, WOTUS, water quality issues. Really he will talk about whatever. Will let MM steer the conversation.

On May 2, 2017, at 10:50 PM, Conner, Katelyn (McConnell)
<Katelyn_Conner@mcconnell.senate.gov> wrote:

I should have asked about this more yesterday, but any details or thoughts on what you want to hit on for the Ag meeting aside from WOTUS?

Pesticides? Conservation? Etc?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 02, 2017 12:20 PM
To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>
Subject: RE: I realize this is cheating

Thank you!!!

From: Conner, Katelyn (McConnell) [mailto:Katelyn_Conner@mcconnell.senate.gov]
Sent: Tuesday, May 2, 2017 12:15 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: I realize this is cheating

I know you know how to find these, but passing along the links in case they're helpful.

[http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Quarterly%20Coal%20Report%20\(Q4-2016\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Quarterly%20Coal%20Report%20(Q4-2016).pdf)

[http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202016th%20Edition%20\(2016\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202016th%20Edition%20(2016).pdf)

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Tuesday, May 02, 2017 12:09 PM

To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>

Subject: I realize this is cheating

But do you have the latest KY coal jobs numbers?

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Conner, Katelyn (McConnell)
Sent: Tue 5/2/2017 4:25:29 PM
Subject: RE: I realize this is cheating

I should have asked about this more yesterday, but any details or thoughts on what you want to hit on for the Ag meeting aside from WOTUS?

Pesticides? Conservation? Etc?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, May 02, 2017 12:20 PM
To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>
Subject: RE: I realize this is cheating

Thank you!!!

From: Conner, Katelyn (McConnell) [mailto:Katelyn_Conner@mcconnell.senate.gov]
Sent: Tuesday, May 2, 2017 12:15 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: I realize this is cheating

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[http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Quarterly%20Coal%20Report%20\(Q4-2016\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Quarterly%20Coal%20Report%20(Q4-2016).pdf)

[http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202016th%20Edition%20\(2016\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202016th%20Edition%20(2016).pdf)

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Tuesday, May 02, 2017 12:09 PM
To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>
Subject: I realize this is cheating

But do you have the latest KY coal jobs numbers?

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Thur 4/27/2017 7:46:35 PM
Subject: Re: Hearing

Need to know asap

On Apr 27, 2017, at 2:31 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Good deal. Let me check on my end.

On Apr 27, 2017, at 2:27 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate, just wanted to follow up with you. This isn't finalized yet, but we're looking at Thursday, May 11th as the date for the hearing. Would Rick Keigwin from the Office of Pesticide Policy be available that day? USDA sounds like they are available.

Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Thur 4/27/2017 6:25:35 PM
Subject: Hearing

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Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Neill, Andrew
Sent: Tue 4/25/2017 10:56:15 PM
Subject: Re: Accomplishments

Thank you!

Sent from my iPhone

On Apr 25, 2017, at 6:54 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

First 100 Days Accomplishments: EPA Administrator Scott Pruitt

Regulatory Rollback and Promoting Economic Growth

- ✓• **Energy Independence EO:** Following the President's Energy Independence Executive Order, Administrator Pruitt signed three notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- ✓• **CPP:** Reviewing the so-called Clean Power Plan that threatens over **125,000 U.S. jobs**.
- ✓• **ELG Rule:** EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated **\$480 million** annually, and about **\$1.2 billion** per year in the first five years of compliance.
- ✓• **Coal Combustion Residuals (CCR Rule):** EPA expects to issue the draft guidance on the CCR rule at the end of the month and begin acting on state permit applications this year. CCR rule is estimated to cost power plants between **\$500 and \$745 million** – per year.
- ✓• **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide **\$1 billion** in credit to finance over **\$2 billion** in water infrastructure investments.
- ✓• **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses **\$171 million annually**.
- ✓• **New Source Performance Standards:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from

building new plants.

✓• **Methane ICR:** We are stopping the methane ICR by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding **\$42 million**.

✓• **Risk Management Rule (RMP Rule):** EPA delayed the RMP rule to make sure that any additional regulations actually make chemical facilities safer, without duplicating regulations or opening our country up to dangerous national security threats. EPA estimates the RMP rule to cost **\$131.8 million annually, or \$1.3 billion** over ten years.

✓• **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement.

✓• **Ozone Standard:** Requested delay of oral arguments on the ozone standard.

✓• **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.

✓• **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration.

✓• **MATS Rule:** Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.

✓• **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate.

Giving Power Back to the States

✓• **WOTUS:** EPA is restoring states’ important role in the regulation of water by reviewing the “Waters of the U.S.” or WOTUS. A rule with a regulatory impact analysis of **between \$600 million and \$1.2 billion**.

✓• **Meetings with State, National and International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 10 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.

✓• **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA's federal oversight.

Protecting Health and the Environment

✓• **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing **\$100 million** to upgrade drinking water infrastructure in Flint, Michigan.

✓• **Superfund Sites:** We are getting real results cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.

✓• **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on **40,000 farms** and **50 different crops** because there was never enough science to justify the ban.

✓• **EPA Back-to-Basics:** EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated Superfund site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.

Elizabeth Tate Bennett

Senior Advisor to the Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Mon 4/24/2017 5:11:23 PM
Subject: RE: Office of Pesticide Policy

No, to be clear nothing has been signed off yet nor has any decision been made about the theme/scope of the hearing. I'm still in the process of gathering names/witness ideas to present to Sen. Roberts. I think you are right that James and Rick worked together some.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, April 24, 2017 1:07 PM
To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: Re: Office of Pesticide Policy

Did James sign off on Rick specifically? I think they worked together some in the past. Just wanted to check!

On Apr 21, 2017, at 7:16 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate,

Here are some possible witness ideas from EPA's office of pesticide policy.

Office of Pesticide Policy

Rick P. Keigwin, keigwin.richard@epa.gov, (703) 305-7090

Acting Director

Stephen Schaible, schaible.stephen@epa.gov(703) 308-9362

Senior Advisor for Pesticide Registration Improvement Act (PRIA) Implementation

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Vlasaty, Andrew (Agriculture)
Sent: Fri 4/21/2017 11:15:54 PM
Subject: Office of Pesticide Policy

Hey Tate,
Here are some possible witness ideas from EPA's office of pesticide policy.

Office of Pesticide Policy

Rick P. Keigwin, keigwin.richard@epa.gov, (703) 305-7090

Acting Director

Stephen Schaible, schaible.stephen@epa.gov (703) 308-9362

Senior Advisor for Pesticide Registration Improvement Act (PRIA) Implementation

To: Bennett, Tate[Bennett.Tate@epa.gov]
Cc: Elsner, Brandon (Wicker)[Brandon_Elsner@wicker.senate.gov]; Mize, Bennett (Cochran)[Bennett_Mize@cochran.senate.gov]
From: Helton, Samantha (Wicker)
Sent: Thur 4/20/2017 8:33:35 PM
Subject: PineBelt Processing
[Mississippi signed PineBelt letter to EPA.PDF](#)
[Perimeter Brochure.pdf](#)
[Summary of EPA action on Etofenprox use for consumer clothing Pine Belt Processing, Inc., EPA Reg. No. 82392-3.doc](#)

Hey Tate,

It was good to talk to you just now. As I said on the phone, EPA recently denied PineBelt Processing's application for Etofenprox-treated textiles for commercial use, even though it approved it for military use last year. Attached is a summary of EPA's interaction with PineBelt and their product, a brochure on the product, and the letter Senators Wicker, Cochran, Congressmen Harper and Palazzo sent to EPA last March.

PineBelt is scheduled to meet with EPA early next month, so this issue is very timely. We would appreciate an update on how EPA has handled this case as soon as possible.

Thanks so much! Talk soon.

Samantha Helton

[Office of Senator Roger Wicker \(R-MS\)](#)

555 Dirksen Senate Office Building

Washington, D.C. 20510

202.224.6253



Congress of the United States
Washington, DC 20510

March 18, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator McCarthy,

We write seeking expedited consideration of an application we understand has been submitted to your agency by PineBelt Processing, Inc.

It is our understanding that PineBelt's application (82392-G) for Etofenprox-treated textiles is currently scheduled for a final decision by August 2016. We request expedited consideration of Etofenprox in the hope that it could help address a potential Zika virus outbreak in the United States as the summer mosquito season approaches. The Centers for Disease Control and the World Health Organization have recommended insecticide-treated clothing as a means for protection from Zika. It is also our understanding that the Department of Agriculture has found that this particular product is effective in protecting humans against mosquito bites.

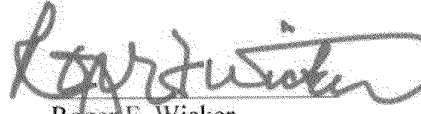
We would appreciate any support or guidance your agency can provide to us about what is needed for such an expedited review. Additionally, we request information on the actions your agency is taking to ensure high-quality insecticides are publicly accessible during the coming months.

Thank you for your consideration.

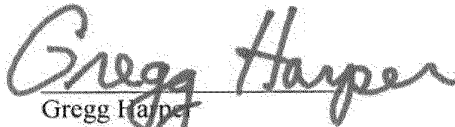
Sincerely,



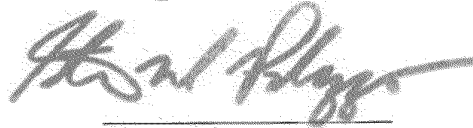
Thad Cochran
U.S. Senator



Roger F. Wicker
U.S. Senator

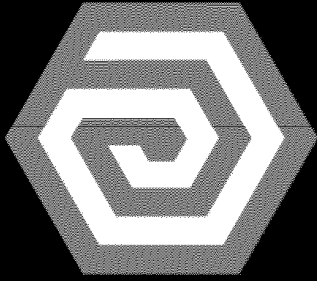


Gregg Harper
Member of Congress



Steven Palazzo
Member of Congress

CC: Susan Lewis, Director
Registration Division
U.S. Environmental Protection Agency
Office of Pesticide Programs
Room S4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202



PERIMETER/ETO
INSECT GUARD



Our History of Success

Pre-Bait Processing, Inc., a wholly-owned subsidiary of Warrick, Inc., was formed as a response to the United States Military's request for reliable and persistent insecticide-treated canvas uniforms. After two years of research and development, Pre-Bait Processing registered its original toxic treatment, "Perimeter Insect Guard" with the EPA.

Since 2006, Perimeter Insect Guard has been used on more than 25 million military uniforms. For almost 70 years, Perimeter Insect Guard has protected United States troops across the globe from insect-borne diseases.



Formulation Based Product

The United States Military's use of advanced textiles for the Afghanistan conflict has increased the need for new and improved insecticides. Our continued success with the United States Military and the release of our original product on uniforms has allowed us to further our research in developing new products such as "Perimeter Eto Insect Guard."

As always, our goal is to provide an effective and reliable product that successfully prevents bites from insects carrying disease-causing diseases. Our new product, Perimeter Eto Insect Guard, is currently under review by the EPA for registration. The product approval is in 2016.



Eto Formulation Based Product

Innovative Insect Repellent Technology

What is Etofenprox?

Etofenprox [(4-ethoxyphenyl) 2-methylpropyl 3-ethoxybenzoate] also known as etofenprox, is a synthetic pyrethroid-like ether insecticide. Etofenprox fits in structure from pyrethroids in that it contains an ether moiety rather than an ester moiety like a carbonyl group, has no cyano group attached to it again. The structure of etofenprox makes it more stable with a lower toxicity and a low reduction of pest control burden to the environment.

The mode of action against insects is very similar to that of other pyrethroids. The main action is to a the neuronal axon.

Etofenprox is registered in more than 50 countries for both agricultural and public use. In the US, etofenprox is currently registered for the following uses: for mosquito adulticide, spot treatment for cats, minor

and outdoor residential use and use in non food handling areas of commercial food handling establishments.







Advantages to Using Etofenprox

Etofenprox-treated textiles are toxic to dermal irritants. Etofenprox is also associated dermally that permeation and other insecticides. Etofenprox is not a neurotoxin or carcinogen like some of the pyrethroids. The acute toxicity of etofenprox is 1.05×10^{-5} when it is 1.04×10^{-5} for permeation.

Toxicological modeling of the US Army Public Health Command indicates etofenprox can be applied at rates 10x higher than permethrin for textile uses which leads to greater efficacy. The toxicological profile of etofenprox allows for potential treatment of socks, 10-35x on socks such as shirts or socks.

Etofenprox protects from bites at a higher percentage rate than permethrin. Therefore, the user is less susceptible to insect bites while wearing etofenprox-treated text. As a result, a higher percentage protection etofenprox is more stable in textiles than permethrin. Etofenprox has been shown to have over 90% efficacy in socks less washed 70x. There is a potential for etofenprox to be used to retreat text, as previously treated with etofenprox or other pyrethroid-treated textiles. Even after the textile has reached its wash limit, and the insecticide no longer affords the textile does not need to be replaced or replaced. Etofenprox works on some species of minor or transmitting mosquitoes where other pyrethroids such as permethrin do not.

There are several benefits to using Perimeter Eco Insect Shields versus other bedding treated text, as:

		
WORKS ON MALARIA TRANSMITTING MOSQUITOES	RETREATMENT OPTIONS: DRY-CLIME PERMEATION	LOW MALARIAL TOXICITY
		
HIGHER PERCENT BITE PROTECTION	HIGHER PERCENT CHEMICAL RETENTION	POTENTIAL RETREATMENT FOR OTHER TEXTILES

Etofenprox Textile Treatment

Smooth, even coating.

APPLICATION RATE:
0.9% w/wt wt

RETENTION RATE:
75 WASHES

Permethrin Textile Treatment

Crystalline, more rigid coating.

APPLICATION RATE:
0.52% w/wt wt

RETENTION RATE:
50 WASHES



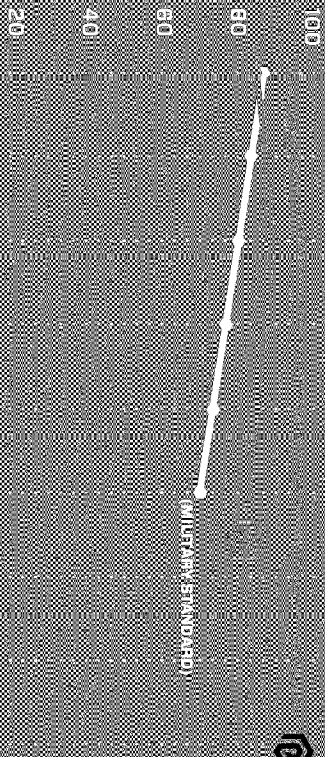
Tested for Reliability

The following data and graphs show the reliability of permethrin and pyrethrin in the leading insecticide studies and tests performed by independent U.S. Lab facilities.

The following graphs show the most difficult insect tested (Akron and GQ strains of Anopheles gambiae) tested by the U.S. Navy using permethrin (AKRON) and pyrethrin (GQ) for protection of clothing against the tsetse fly.



(MILITARY STANDARD)



ETOFENPROX VS. PERMETHRIN RETENTION RATE

Etofenprox retained insecticide at 12.5% after 25 washes compared to 10% for permethrin. After 25 washes, permethrin had retained 10% of the original 100%.

17
13



RESISTANCE RATIO OF AKRON AND GQ STRAINS OF ANOPHELES GAMBIAE

For permethrin, the ratio of resistance to permethrin was 100% for the Akron strain and 100% for the GQ strain. For pyrethrin, the ratio of resistance to pyrethrin was 100% for the Akron strain and 100% for the GQ strain.

90% - 40% Pyrethrin Bait Protection from Akron and GQ strains of Anopheles gambiae (relevant to Zika Virus)



www.pennstateinsectyard.com

EPA REGISTRATION PENDING FOR 2016

Warmkraft, Inc. – Pine Belt Processing, Inc.

P.O. Box 557
Industrial Park
113 Fellowship Road
Taylorsville, Mississippi 39168
Phone (601) 785-4476
Fax (601) 785-6526

P.O. Box 549
1122 South Erwin Road
Stonewall, MS 39168
Phone (601) 659-3317
Fax (601) 659-3458

April 12, 2017

John Lundy
Capital Resources LLC
210 East Capital Street
Regions Plaza
Suite 1262
Jackson, MS 39201

Reference: Summary of EPA Rejection of Etofenprox use for consumer clothing Pine Belt Processing, Inc., EPA Reg. No. 82392-3

In 2012 the first meetings with the EPA were held at the EPA offices in Washington, DC. During the next 4 years at least 10 pre-registration meetings were held with the EPA. The purpose of these meetings were to adhere to the EPA guidelines for the registration of Etofenprox for use in textiles to protecting individuals from insect bites. Data was generated (with military support) and was used to register our product. During this time all work was done at no cost to the US Government. During these meetings it was greatly discussed and understood that the registration would be for all textiles protecting our military personnel and civilian consumers. The use of Etofenprox would add another alternative for protection from biting insects that cause transmit of the Zika virus, dengue fever, West Nile virus, and malaria. Etofenprox is the only safe alternative to permethrin and other pyrethroids.

The registration was approved and issued on August 12, 2016. The problem is that the registration was issued only for military use which was never the intent. A miscommunications within the EPA resulted in the risk assessment to be done only on military uniforms. Pine Belt was advised by the EPA to file for an amendment to add all textile uses. Pine Belt applied for such an amendment on November 1, 2016. On December 15th 2016 the EPA issued a ten-day deficiency letter requesting why the current data should be used to bridge the efficiency data. On December 21st Pine Belt submitted a response. On Feb 9th, 2017 the EPA published that this request would be denied. During this time period the EPA experienced a turnover of many key personnel. The EPA miscommunications have resulted in damage to the innovative and expensive years of work done by Pine Belt in insect protection. If Pine Belt cannot access the consumers markets with this product our continued production and employee jobs will be in jeopardy.

Very important points to consider:

- Etofenprox is much safer than permethrin which is currently being used on all consumer textiles.
- Etofenprox is the only alternative
- The safety of Etofenprox is well documented
- Etofenprox has a low environment impact and is a non-carcinogen
- Etofenprox does not exhibit pyrethroid resistance
- Etofenprox offers much better protection to consumers and military personnel. EPA approved data showing more than 92% effectiveness against mosquitoes after 75 washes verses permethrin at 75% after 50 washes on the same fabric.
- Permethrin has been approved for several companies for consumer uses in textiles based on military only data. Currently permethrin is used in everything from tee shirts, hats, scarfs, golf shirts, and all types of children's clothing. This an unlevelled playing field that disallows a safer alternative.
- The EPA has no published policy on bridging or not to bridge pesticide data from military use to consumer use. The precedence has been to bridge that data generated by the military to consumer use as done with permethrin for several other companies.
- Pine Belt did not apply for military only use on the applications and was not informed the intent to review only for military use until the registration was issued for military only.
- Turnover and changes in personnel at the EPA has degraded the communications on such programs.
- Pine Belt will be forced to abandon plans to add production equipment and over 200 jobs in Smith and Clark County.

If there are any questions please contact me directly.

Regards,



Ron Lack
General Manager

To: Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
From: Cone, Travis (Capito)
Sent: Wed 4/12/2017 5:20:26 PM
Subject: RE: Sen. Capito Inquiry on Resultix

Thanks Sven. I'll touch base with Piedmont and let you know if we need anything more on our end.

Best,

Travis

C. Travis Cone

Legislative Assistant

Senator Shelley Moore Capito (R-WV)

172 Russell Senate Office Building (SR-172)

Washington, DC 20515

202-224-6472

travis_cone@capito.senate.gov



From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, April 12, 2017 1:08 PM
To: Cone, Travis (Capito) <Travis_Cone@capito.senate.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Sen. Capito Inquiry on Resultix

Travis,

This responds to your inquiry regarding the pesticide registration for Resultix. Piedmont Animal Health, LLC (Piedmont) has a registration from EPA for Resultix, a pesticide product labeled to kill ticks on dogs and cats. Our understanding is that Piedmont is interested in amending that registration to allow use of Resultix against ticks on people.

Although the company has not yet submitted an application to add this use to Resultix, EPA has been in preliminary discussions with the company about a potential amendment as far back as June 2015. Because of the public health implications of the proposed new use, i.e., prevention of Lyme disease as transmitted by ticks, EPA requires submission of product performance data to evaluate the efficacy of the pesticide product and determine whether the proposed use meets the statutory standard for registration.

The proposed use, which involves spraying the pesticide on a feeding tick, differs from the currently recommended best practice for preventing disease transmission from ticks. The Centers for Disease Control and Prevention's (CDC) long standing guidance for the prevention of disease transmission by ticks is to immediately remove the tick (https://www.cdc.gov/ticks/avoid/on_people.html).

In contrast, the documentation for the proposed use indicates that treated ticks do not dislodge but rather die *in situ*. Because of the potential for public health risks from ticks that remain attached, EPA is seeking information to address the potential risk from such ticks that have been treated with a pesticide of this nature. Any data for a use like the one being proposed by Piedmont would need to address concerns about potential disease transmission during the period after the tick is sprayed and before it falls off or is removed from the person's body. In addition, if testing involves intentional exposure of human subjects to the pesticide, the protocol and study would need to comply with EPA's human studies rule. See 40 CFR part 26, subparts K-Q. (<https://www.epa.gov/osa/human-studies-review-board>)

Due to the novel nature of the proposed use, EPA does not currently have an accepted protocol for conducting product performance studies to support the claims being made for this type of public health pesticide application. In such cases, the registrant develops a study protocol which is then submitted to EPA for review and approval prior to the testing commencing. EPA can help the registrant develop such a protocol including

providing input on the design parameters of the study, data collection and analysis and other relevant aspects of such a protocol. EPA will continue to work with Piedmont and will review any study protocols or application for registration the company submits.

Please let me know if any additional questions and if a call would be helpful. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

To: Bennett, Tate[Bennett.Tate@epa.gov]
From: Cone, Travis (Capito)
Sent: Tue 4/11/2017 3:17:18 PM
Subject: RE: more info

Thanks for this. It appears to be the same line the previous administration offered. I'm no expert, but for its part Piedmont feels that the CDC's guidelines aren't relevant for the EPA's approval processes. I think they were just pushing the spray to kill and remove ticks without making grandiose claims about Lyme disease, but maybe they didn't share that with me.

Appreciate your help.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, April 11, 2017 11:13 AM
To: Cone, Travis (Capito) <Travis_Cone@capito.senate.gov>
Subject: more info

Call me if you want to discuss. Ex. 6 - Personal Privacy Alternatively, sounds like Piedmont is having other MOC's reach out on this too.....

Although the company has not yet submitted an application to add this use to Resultix, EPA has been in preliminary discussions with the company about a potential amendment as far back as June 2015. Because of the public health implications of the proposed new use, i.e., prevention of Lyme disease as transmitted by ticks, EPA requires submission of product performance data to evaluate the efficacy of the pesticide product and determine whether the proposed use meets the statutory standard for registration.

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EPA will continue to work with Piedmont and will review any study protocols or application for registration the company submits in accordance with the statutory and regulatory requirements and timeframe provided under the Pesticide Registration Improvement Act (PRIA).

Elizabeth Tate Bennett

Senior Advisor to the Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
From: Decker, James
Sent: Tue 4/11/2017 12:58:08 PM
Subject: RE: Cong. Burgess Request for Texas Feral Hog Contact

Thank you for the quick response, Sven! I will pass this along.

-James.

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, April 11, 2017 8:45 AM
To: Lyons, Troy; Decker, James; Bennett, Tate
Subject: Cong. Burgess Request for Texas Feral Hog Contact

James – following up on your request on anti feral hog pesticides, here's a point of contact for your constituent.

Meredith Laws

EPA Office of Pesticides – Registration Division

Laws.meredith@epa.gov

703-308-7038

Feel free to contact me if any additional questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Lyons, Troy
Sent: Monday, April 10, 2017 11:56 AM
To: Decker, James <James.Decker@mail.house.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Texas Feral Hog Contact Request

Thanks, James.

Adding Sven on our team who can hopefully point you in the right direction.

From: Decker, James [<mailto:James.Decker@mail.house.gov>]
Sent: Monday, April 10, 2017 11:24 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Texas Feral Hog Contact Request

Troy,

A local official in our district contacted our office about a recent EPA decision to approve a certain chemical to deal with a feral hog issue in the state of Texas (https://www3.epa.gov/pesticides/chem_search/ppls/072500-00026-20170103.pdf). He asked if we could put him in touch with someone at EPA (I'm guessing the Region 6 office?) who was involved in this decision and could provide him some additional clarity on the issue. Would you be able to assist me in getting him a contact? Let me know if you need any more information from me. Thanks!

-James.

James Decker
Deputy Chief of Staff
Congressman Michael C. Burgess, M.D. (TX-26)
2336 Rayburn House Office Building
(202) 225-7772

To: Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
From: Decker, James
Sent: Tue 4/11/2017 12:50:51 PM
Subject: RE: Cong. Burgess Inquiry Texas Feral Hog Pesticide

Thank you!

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, April 10, 2017 1:48 PM
To: Lyons, Troy; Decker, James; Bennett, Tate
Subject: Cong. Burgess Inquiry Texas Feral Hog Pesticide

James,

Thanks for the request. I'll be glad to check into it and get back to you with a response. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Lyons, Troy
Sent: Monday, April 10, 2017 11:56 AM
To: Decker, James <James.Decker@mail.house.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Texas Feral Hog Contact Request

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-James.

James Decker
Deputy Chief of Staff
Congressman Michael C. Burgess, M.D. (TX-26)
2336 Rayburn House Office Building
(202) 225-7772

To: Santos, Rachel (Appropriations)[Rachel_Santos@appro.senate.gov]
From: Bennett, Tate
Sent: Fri 5/12/2017 8:07:26 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Our office is across from Trump Hotel and Central. Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 4:06 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 1:26 PM
To: Santos, Rachel (Appropriations) <Rachel_Santos@appro.senate.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 10:56 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Miss you – would love to catch up and hear all about your life!

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:

press@epa.gov

FOR IMMEDIATE RELEASE

May 11, 2017

EPA Extends Timeline for Pesticide Applicators Rule

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced a 12-month extension for implementation of the revised final Certification and Training of Pesticide Applicators (C&T) rule. EPA received feedback from states and stakeholders that more time and resources are needed to prepare for compliance with the rule. The extended timeline will enable EPA to work with states and provide adequate compliance and training resources.

“In order to achieve both environmental protection and economic prosperity, we must give the regulated community, which includes farmers and ranchers, adequate time to come into compliance with regulations. Extending the timeline for implementation of this rule will enable EPA to consult with states, assist with education, training and guidance, and prevent unnecessary burdens from overshadowing the rule’s intended benefits,” **said Administrator Pruitt.**

Last month, Administrator Pruitt met with Missouri Governor Eric Greitens to discuss the C&T rule, among other issues.

"Administrator Pruitt proved today that the old way of doing business at the EPA is over and done with. We presented them with a problem, and they took quick action to begin fixing it. Missouri farmers have waited a long time for common sense government, and now it's on its way. I'm grateful for this new leadership, and look forward to continuing to work with this administration to curb regulations that are killing jobs and hurting our farmers. It's time for government to get out of the way and let our farmers farm," **said Governor Greitens.**

“We greatly appreciate EPA extending the effective date of this rule. While we are supportive of the improved final rule released in January, States are facing a range of on-going logistical, resource, and capacity challenges. These challenges are amplified as they also implement other recent EPA requirements, such as the Worker Protection Standard. Extending the certification timeline will help alleviate some of those challenges by allowing states to work with our EPA partners to ensure adequate training resources and compliance assistance activities,” **said Dr. Barbara P. Glenn, CEO of the National Association of State Departments of Agriculture.**

Administrator Pruitt recently launched his *Back-to-Basics agenda* for returning EPA to its core mission: protecting the environment by engaging with state, local, and tribal partners to create sensible regulations that enhance economic growth. Today’s action is the latest evidence of Administrator Pruitt’s commitment to cooperative federalism and getting the EPA back to basics.

R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Santos, Rachel (Appropriations)[Rachel_Santos@appro.senate.gov]
From: Bennett, Tate
Sent: Fri 5/12/2017 5:26:01 PM
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Santos, Rachel (Appropriations) [mailto:Rachel_Santos@appro.senate.gov]
Sent: Friday, May 12, 2017 10:56 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: EPA Extends Timeline for Pesticide Applicators Rule

Ex. 6 - Personal Privacy

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
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R082

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Carroll, Patrick (Appropriations)[Patrick_Carroll@appro.senate.gov]
From: Bennett, Tate
Sent: Fri 5/12/2017 3:07:14 PM
Subject: Re: EPA Extends Timeline for Pesticide Applicators Rule

We have a new senate guy. Did he send this to you?

On May 12, 2017, at 11:06 AM, Carroll, Patrick (Appropriations)
<Patrick_Carroll@appro.senate.gov> wrote:

Thanks!

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 10:49 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:
press@epa.gov

FOR IMMEDIATE RELEASE
May 11, 2017

EPA Extends Timeline for Pesticide Applicators Rule

WASHINGTON – U.S. Environmental Protection Agency Administrator Scott Pruitt today announced a 12-month extension for implementation of the revised final Certification and Training of Pesticide Applicators (C&T) rule. EPA received feedback from states and stakeholders that more time and resources are needed to prepare for compliance with the rule. The extended timeline will enable EPA to work with states and provide adequate compliance and training resources.

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Bennett, Tate[Bennett.Tate@epa.gov]
Bcc: Bennett, Tate[Bennett.Tate@epa.gov]; Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]; Glueck, James (Agriculture)[James_Glueck@ag.senate.gov]; Heggem, Christine[Chris.Heggem@mail.house.gov]; josh.maxwell@mail.house.gov[josh.maxwell@mail.house.gov]; carlisle_clarke@appro.senate.gov[carlisle_clarke@appro.senate.gov]; rachel_santos@appro.senate.gov[rachel_santos@appro.senate.gov]; Cassie Bladow[Cassie.Bladow@beetsugar.org]; Alexandra Dapolito Dunn[adunn@ecos.org]; Carroll, Patrick (Appropriations)[Patrick_Carroll@appro.senate.gov]; Conner, Katelyn (McConnell)[Katelyn_Conner@mcconnell.senate.gov]; Rell, Brian[ber@mail.house.gov]; tom.obrien@mail.house.gov[tom.obrien@mail.house.gov]; Lopez, Danny[DaLopez@gov.IN.gov]; ryanfquarles@Ex. 6 - Personal Privacy Penn, Stephanie (McConnell)[Stephanie_Penn@mcconnell.senate.gov]
From: Bennett, Tate
Sent: Fri 5/12/2017 2:48:32 PM
Subject: EPA Extends Timeline for Pesticide Applicators Rule

ICYMI

CONTACT:

press@epa.gov

FOR IMMEDIATE RELEASE

May 11, 2017

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Heggem, Christine[Chris.Heggem@mail.house.gov]
From: Bennett, Tate
Sent: Fri 5/12/2017 1:04:43 PM
Subject: Aaron Ringel

He's covering the House now. Did he send you all the update on Pesticide Applicator Extention?

Elizabeth Tate Bennett

Senior Deputy Associate Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Hoelscher, Douglas L. EOP/WHO [Ex. 6 - Personal Privacy]
William.McGrath@mail.house.gov[William.McGrath@mail.house.gov]
Cc: Johnson, Julia B. EOP/WHO [Ex. 6 - Personal Privacy]
From: Bennett, Tate
Sent: Thur 5/11/2017 8:10:49 PM
Subject: EPA Extends Timeline for Pesticide Applicators Rule

Doug and Billy—

See where we worked with Gov. Greiten's office and NASDA on this.

Thanks!

Tate

CONTACT:
press@epa.gov

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Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Tue 5/9/2017 12:49:15 AM
Subject: Re: Witness List - 5/11

Do you have a list of potential questions?

On May 8, 2017, at 7:43 PM, Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov> wrote:

FYI

Senate Committee on Agriculture, Nutrition, & Forestry

Full Committee Hearing

Pesticide Registration under the Federal Insecticide, Fungicide, and
Rodenticide Act: Providing Stakeholders with Certainty through the Pesticide
Registration Improvement Act

Thursday, May 11, 2017 — 9:30 am

328A Russell Senate Office Building

Witness List

Panel I

Mr. Rick Keigwin, Acting Director, Office of Pesticide Programs, U.S.
Environmental Protection Agency, Washington, DC

Dr. Sheryl Kunickis, Director, Office of Pest Management Policy, U.S.
Department of Agriculture, Washington, DC

Panel II

Mr. Dale Murden, Past Chair, National Sorghum Producers; Past Chair, Texas Sorghum Producers; President, Texas Citrus Mutual, Mission, TX

Mr. Gary W. Black, Commissioner, Georgia Department of Agriculture, Atlanta, GA

Mr. Jay Vroom, President & Chief Executive Officer, CropLife America, Washington, DC

Ms. Virginia E. Ruiz, Director of Occupational and Environmental Health, Farmworker Justice, Washington, DC

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
Cc: Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Palich, Christian[palich.christian@epa.gov]
From: Bennett, Tate
Sent: Thur 5/4/2017 11:12:02 PM
Subject: Re: Full Committee Hearing Notice - 5/11

Thanks!

On May 4, 2017, at 7:02 PM, Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov> wrote:

Just passing this along. Below you will find the title for the hearing.

Andrew

Senate Committee on Agriculture, Nutrition, & Forestry

Full Committee Hearing Notice

To: All Committee Members

Title: Pesticide Registration under the Federal Insecticide, Fungicide, and Rodenticide Act: Providing Stakeholders with Certainty through the Pesticide Registration Improvement Act.

Date: Thursday, May 11, 2017

Time: 9:30 am

Place: 328A Russell Senate Office Building

To: Conner, Katelyn (McConnell)[Katelyn_Conner@mcconnell.senate.gov]
From: Bennett, Tate
Sent: Wed 5/3/2017 2:53:06 AM
Subject: Re: I realize this is cheating

For KY? Pesticides specifically worker protection and applicator rule, PRIA, WOTUS, water quality issues. Really he will talk about whatever. Will let MM steer the conversation.

On May 2, 2017, at 10:50 PM, Conner, Katelyn (McConnell)
<Katelyn_Conner@mcconnell.senate.gov> wrote:

I should have asked about this more yesterday, but any details or thoughts on what you want to hit on for the Ag meeting aside from WOTUS?

Pesticides? Conservation? Etc?

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Tuesday, May 02, 2017 12:20 PM
To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>
Subject: RE: I realize this is cheating

Thank you!!!

From: Conner, Katelyn (McConnell) [mailto:Katelyn_Conner@mcconnell.senate.gov]
Sent: Tuesday, May 2, 2017 12:15 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: I realize this is cheating

I know you know how to find these, but passing along the links in case they're helpful.

[http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Quarterly%20Coal%20Report%20\(Q4-2016\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Quarterly%20Coal%20Report%20(Q4-2016).pdf)

[http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202016th%20Edition%20\(2016\).pdf](http://energy.ky.gov/Coal%20Facts%20Library/Kentucky%20Coal%20Facts%20-%202016th%20Edition%20(2016).pdf)

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Tuesday, May 02, 2017 12:09 PM

To: Conner, Katelyn (McConnell) <Katelyn_Conner@mcconnell.senate.gov>

Subject: I realize this is cheating

But do you have the latest KY coal jobs numbers?

To: Andrew_Vlasaty@ag.senate.gov[Andrew_Vlasaty@ag.senate.gov];
Dudley@nasda.org[Dudley@nasda.org]
From: Bennett, Tate
Sent: Fri 6/2/2017 3:37:18 PM
Subject: Fwd: EPA Notification: Pesticide Certified Applicator Rule Effective Date Delay
[FR.2017-11458.pdf](#)
[ATT00001.htm](#)

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Date: June 2, 2017 at 11:15:40 AM EDT
Subject: EPA Notification: Pesticide Certified Applicator Rule Effective Date Delay

Today EPA published a delay of the effective date for the Certification of Pesticide Applicators final rule. This action delays the effective date from June 5, 2017, to May 22, 2018 (FR notice attached). Please let me know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approval date	Explanation
2008 8-hour ozone Maintenance Plan for the Atlanta Area.	Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding and Rockdale Counties.	7/18/2016	6/2/2017, [insert Federal Register citation].	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

* 3. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

* 4. In §81.311, the table entitled “Georgia—2008 8-Hour Ozone NAAQS (Primary and secondary)” is amended

by revising the entry for “Atlanta, GA: 2” to read as follows:

§81.311 Georgia.

* * * * *

GEORGIA—2008 8-HOUR OZONE NAAQS
[Primary and secondary]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Atlanta, GA: ²	6/2/2017	Attainment.		
Bartow County		Attainment.		
Cherokee County		Attainment.		
Clayton County		Attainment.		
Cobb County		Attainment.		
Coweta County		Attainment.		
DeKalb County		Attainment.		
Douglas County		Attainment.		
Fayette County		Attainment.		
Forsyth County		Attainment.		
Fulton County		Attainment.		
Gwinnett County		Attainment.		
Henry County		Attainment.		
Newton County		Attainment.		
Paulding County		Attainment.		
Rockdale County		Attainment.		

* * * * *

¹ This date is July 20, 2012, unless otherwise noted.

² Excludes Indian country located in each area, unless otherwise noted.

* * * * *

[FR Doc. 2017–10934 Filed 6–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 171

[EPA–HQ–OPP–2011–0183; FRL–9963–34]

Pesticides; Certification of Pesticide Applicators; Delay of Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; delay of effective date.

SUMMARY: With this action, EPA is delaying the effective date for the final

rule issued in the **Federal Register** on January 4, 2017, from June 5, 2017 to May 22, 2018. That rule addressed revisions to the Certification of Pesticide Applicators rule.

DATES: The effective date of the rule amending 40 CFR part 171 that published at 82 FR 952, January 4, 2017, delayed at 82 FR 8499, January 26, 2017, and 82 FR 14324, March 20, 2017, is further delayed until May 22, 2018.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2011–0183, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301

Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Kevin Keaney, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 305–5557; email address: keaney.kevin@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

On January 4, 2017, EPA published a final rule revising the regulation concerning the certification of applicators of restricted use pesticides (RUPs), promulgated in 40 CFR part 171 (82 FR 952; FRL-9956-70). The original effective date of March 6, 2017 was extended to March 21, 2017 by a final rule published in the **Federal Register** on January 26, 2017, entitled "Delay of Effective Date for 30 Final Regulations Published by the Environmental Protection Agency Between October 28, 2016 and January 17, 2017" (82 FR 8499). In that rule, EPA delayed the effective dates of the thirty regulations, including the final rule revising the regulation concerning the certification of applicators of restricted use pesticides (RUPs) issued on January 4, 2017 (82 FR 952) (FR-9956-70), as requested in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review" (January 20 Memorandum). The January 20 Memorandum directed the heads of Executive Departments and Agencies to postpone for 60 days from the date of the January 20 Memorandum the effective dates of all regulations that had been published in the **Federal Register** but had not yet taken effect.

The January 20 Memorandum further directed that where appropriate and as permitted by applicable law, agencies should consider a rule to delay the effective date for regulations beyond that 60-day period. Accordingly, on March 20, 2017, EPA published the final rule "Further Delay of Effective Dates for Five Final Regulations Published by the Environmental Protection Agency Between December 12, 2016 and January 17, 2017" (82 FR 14324), to give recently arrived Agency officials the opportunity to conduct a substantive review of those five regulations, which included the revised Certification of Pesticide Applicators rule. Pursuant to that March 20, 2017 rule, the effective date of the revised Certification of Pesticide Applicators rule was extended to May 22, 2017.

On May 15, 2017, EPA solicited public comment on a proposed 12-month delay of the effective date until May 22, 2018 (82 FR 22294; FRL-9962-31). EPA received more than 130 comments in response to the May 15, 2017 request for comments on the proposal to further delay the effective date until May 22, 2018. On May 22, 2017, EPA published a rule that made an interim extension of the effective date of the revised Certification of Pesticide Applicators rule until June 5,

2017 in order to allow additional time for Agency officials to consider and respond to the public comments.

Section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), allows the effective date of an action to be less than 30 days from its publication date when a good cause finding is made. The primary reason for the 30-day waiting period between publication and effective date is to allow affected parties to adjust to new requirements. This rule does not impose any new requirements but rather postpones the effective date of requirements that are not yet in effect. As noted below, allowing the rule to go into effect could cause confusion and disruption for affected parties if the rule were subsequently substantially revised or repealed. Thus, EPA finds there is good cause to make this rule effective immediately upon publication.

In addition, EPA still has only one Senate-confirmed official, and the new Administration has not had the time to adequately review the January 4, 2017 certification rule. This extension to May 22, 2018, will prevent the confusion and disruption among regulatees and stakeholders that would result if the January 4, 2017 rule were to become effective (displace the existing regulation) and then substantially revised or repealed as a result of administrative review.

In this final rule, EPA is delaying the effective date of the January 4, 2017 revisions to the Certification of Pesticide Applicators rule until May 22, 2018. EPA is delaying the effective date of the January 4, 2017 revisions to the Certification of Pesticide Applicators rule until May 22, 2018 in accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled "Regulatory Freeze Pending Review," and the principles identified in the April 25, 2017 Executive Order "Promoting Agriculture and Rural Prosperity in America."

II. Comments and Responses

EPA received more than 130 comments relevant to the proposal to further delay the effective date of the January 4, 2017 Certification of Pesticide Applicators rule until May 22, 2018. Seventeen comments were not relevant to this action because they did not address the extension of the effective date and instead urged EPA to ban chlorpyrifos or only included specific comments about the January 4, 2017 rule. Out of the relevant comments, 18 commenters supported the proposed 12-month extension of the

effective date and the rest opposed the proposed 12-month extension.

Comments—specific provisions.

About 20 of the comments included input on the specific provisions of the January 4, 2017 Certification of Pesticide Applicators rule.

EPA response—specific provisions.

This final rule focuses on the extension of the effective date of the certification rule. Comments on the specific provisions of the revised certification rule are outside of the scope of this final rule and will be considered within the review of the rule through the Regulatory Reform Agenda efforts.

Comments—support. The comments supporting the 12-month extension of the effective date came from state pesticide regulatory agencies, a pesticide safety education program and a number of organizations representing state departments of agriculture, pesticide safety education programs, pesticide applicators, growers, pesticide manufacturers, and pesticide retailers. The commenters supported the 12-month extension for a variety of reasons. The most common reason was to allow EPA and states more time to prepare for the revisions to state certification programs, engage stakeholders, and develop information the states need to efficiently implement the January 4, 2017 rule. Some commenters supported the 12-month extension to give EPA time to revisit certain aspects of the January 4, 2017 rule and identified specific requirements, such as minimum age.

EPA response—support. EPA generally agrees with these comments. During the next 12 months, EPA plans to engage and work with the certifying authorities (states, tribes and federal agencies), pesticide safety education programs, pesticide applicators and other stakeholders to develop checklists, guidance and tools to facilitate the development of revised certification plans and to discuss how to effectively implement the certification rule. In addition, EPA will conduct a substantive review of the questions of fact, law and policy—all within the context of the very broad cost-benefit standard in FIFRA—during this period. As mentioned above, comments on the specific provisions of the revised certification rule will be considered within the review of the rule through the Regulatory Reform Agenda efforts.

Comments—adjust implementation schedule. One state pesticide regulatory agency supported the 12-month extension of the effective date of the Certification of Pesticide Applicators Rule as long as the implementation schedule in the January 4, 2017 rule is

extended as well. This implementation schedule allowed three years for certifying authorities to submit revised plans and an additional two years for EPA to review the plans and agree upon a timeline for the certifying authority to implement the plan.

EPA response—adjust implementation schedule. EPA agrees with this comment and intends to make corresponding changes to the implementation dates in 40 CFR 171.5 in a subsequent rulemaking.

Comments—implement protections sooner. The commenters opposing the 12-month extension included over 30 non-governmental organizations representing a range of interests, including but not limited to farm workers, environmental advocates, occupational or migrant health clinics and employment law, and many private citizens. The concerns raised by the commenters opposed to the delay covered several areas, which are summarized and responded to below.

The commenters urged EPA to begin implementing the rule in May 2017 to allow the intended protections to apply sooner. A few commenters argued that the extension would increase the risk of serious adverse effects on human health and the environment and one commenter pointed out that EPA identified preventable restricted use pesticide exposures to humans and the environment in the January 4, 2017 rule. This commenter stated that delaying the rule by a year means these types of exposures will occur for an additional year.

EPA response—implement protections sooner. The January 4, 2017 final certification rule would not have immediately put in place additional protections that would prevent or eliminate the types of exposures identified by EPA in its benefits analysis. The January 4, 2017 rule included an implementation schedule where the certifying authorities would have up to three years to submit revised certification plans that conform to the revised standards, so there already was going to be a delay in the protections actually being implemented by the certifying authorities. If EPA develops checklists, guidance and tools to facilitate the development of revised certification plans during the 12-month delay, it is possible that many certifying authorities will be able to submit the revised certification plans well before the three-year deadline for submitting plans.

Comments—basis for extension. Several commenters argued that EPA did not provide a rational basis for extending the effective date by a year,

with one stating that, for that reason, the rule to extend the compliance date is arbitrary and capricious and an abuse of discretion. The commenters questioned what steps have been taken during the previous 4 months of extensions, what analyses would be done in the next year and why EPA needs 12 more months.

EPA response—basis for extension. Out of the 30 final regulations whose effective dates were delayed by the January 26, 2017 final rule, this is one of the few regulations with an effective date that has been extended several more times. The Administrator has determined that the certification rule requires a substantive review of the questions of fact, law and policy—all within the context of the very broad cost-benefit standard in FIFRA—so an additional 12 months is necessary and will provide more certainty to certifying authorities, pesticide safety education programs, pesticide applicators and other stakeholders than to have several medium term extensions. Extending the rule by 12 months is also more efficient for EPA staff and allows them to focus on the substantive review rather than drafting and implementing several medium term extensions. The 12-month extension also provides time for EPA to consider revisions to the certification rule based on input received through the Regulatory Reform Agenda efforts.

Comments—Administrative Procedures Act. Several comments argued that the May 15, 2017 rule violated the Administrative Procedures Act (APA) in several ways. First, commenters argued that the May 15 rule is a “final rule” that makes a significant amendment to a lawfully promulgated regulation without first proposing the change and seeking public comment. Second, commenters raised a number of concerns about the five-day comment period. Specifically, commenters argued that a delay of the effective date for 12 months is functionally a substantive amendment or rescission of the certification rule so the APA and FIFRA require a notice and comment period of at least 30 days. Commenters also stated that sections 553(d)(1) and (d)(3) of the APA are inapposite (not pertinent) as legal authority for dispensing with a “full . . . comment period” because these sections provide grounds to the generally applicable requirement that no final rule take effect sooner than 30 days after its publication but not the length of the comment period. Some commenters argued that the good cause exception to the APA’s notice requirement in 5 U.S.C. 553(b)(B) is not relevant to the May 15, 2017 rule. Lastly, commenters disagreed with EPA’s reasoning in the May 15, 2017

rule that a full 30-day comment period is impractical, unnecessary and contrary to the public interest.

EPA response—APA. The May 15, 2017 FR Notice was styled as a final rule to be consistent with standard procedures of the Office of the Federal Register, which require that rules that affect existing rules (in the case of rules that address changing the effective date of an existing rule) must appear in the “Final Rules” section of the **Federal Register**. See OFR Document Drafting Handbook (<https://www.archives.gov/files/federal-register/write/handbook/ddh.pdf>) at section 3.1. Irrespective of the “Final Rule” caption, EPA considers the May 15 **Federal Register** Notice to have the effect of a proposed rule under the APA. This is clear from the phrase “request for comments” in the action line, as well as from the text of the FR Notice, where EPA expressly stated that it was “proposing to further delay the effective date” and requested comment on the proposed extension.

The Agency’s implementation of this action with an abbreviated opportunity for public comment is based on the good cause exception in 5 U.S.C. 553(b)(B), in that providing additional time for public comment is impracticable, unnecessary and contrary to the public interest. The delay of the effective date until May 22, 2018, is necessary to give Agency officials the opportunity for further review and consideration of the certification rule, consistent with the memorandum of the Assistant to the President and Chief of Staff, dated January 20, 2017, and the principles identified in the April 25, 2017 Executive Order “Promoting Agriculture and Rural Prosperity in America.” Given the imminence of the certification rule effective date, allowing a longer period for comment on this delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

The 90-day comment period for the 2015 proposed rule, combined with EPA’s extensive stakeholder outreach, provided EPA with robust public comment regarding the risks and benefits associated with the January 4, 2017 certification rule. Inasmuch as there was already a robust public comment on the merits of the certification rule, the narrow issue of when the rule should become effective could reasonably be addressed in a short period of time. If EPA had not shortened the comment period to five days, the January 4, 2017 certification rule would have gone into effect. It would have caused unnecessary confusion and disruption to certifying authorities,

pesticide safety education programs, pesticide applicators and other stakeholders for the certification rule to go into effect and then potentially be substantially revised or repealed following a substantive review.

Comments—FIFRA. Some commenters argued that the May 15, 2017 rule violates FIFRA, which requires rules to be reviewed by the U.S. Department of Agriculture and the FIFRA Scientific Advisory Panel. FIFRA also requires a 60-day effective date and requires EPA to transmit a copy of the final rule to Congress at the beginning of this 60-day period.

EPA response—FIFRA. EPA disagrees that the proposed extension of the effective date of the certification rule violates FIFRA. EPA is issuing this extension of the effective date of the certification rule as an APA rule and not a FIFRA rule because today's rule is only changing the effective date of a final rule that had not become effective.

Comments—Endangered Species Act. A few commenters argued that the May 15, 2017 rule violates the Endangered Species Act. Section 7 of the ESA requires federal agencies to consult with the Fish and Wildlife Service and the National Marine Fisheries Service unless EPA determined that its extension of the effective date has “no effect” on threatened and endangered species and their designated critical habitat.

EPA response—Endangered Species Act. EPA believes that its actions with respect to deferring the implementation of this rule are not inconsistent with its obligations under the Endangered Species Act.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review; and, Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not involve any information collection activities subject to the PRA, 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under RFA, 5 U.S.C. 601 *et seq.*

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

This action does not have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not an economically significant regulatory action as defined by Executive Order 12866.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a “significant energy action” as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272 note.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes that this action would not have disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations, as specified in

Executive Order 12898 (59 FR 7629, February 16, 1994).

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 171

Environmental protection, Applicator competency, Agricultural worker safety, Certified applicator, Pesticide safety training, Pesticide worker safety, Pesticides and pests, Restricted use pesticides.

Dated: May 26, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017–11458 Filed 6–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0236; FRL–9954–47]

Bifenthrin; Pesticide Tolerances for Emergency Exemptions

Correction

In rule document 2016–29882, appearing on pages 93824–93831, in the Issue of Thursday, December 22, 2016, make the following correction:

On page on page 93827, in the second column, in the last line “(≤15% CT)” should be “(>15% CT)”.

[FR Doc. C2–2016–29882 Filed 6–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 258

[EPA–R08–RCRA–2016–0505; FRL–9962–18–Region 8]

Approval of Alternative Final Cover Request for Phase 2 of the City of Wolf Point, Montana, Landfill

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking direct final action to approve an alternative final cover for Phase 2 of the City of Wolf Point landfill, a municipal solid waste landfill (MSWLF) owned and

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Thur 4/27/2017 7:48:49 PM
Subject: Re: Hearing

On the way back from WH. Checking now.

On Apr 27, 2017, at 3:48 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Need to know asap

On Apr 27, 2017, at 2:31 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Good deal. Let me check on my end.

On Apr 27, 2017, at 2:27 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate, just wanted to follow up with you. This isn't finalized yet, but we're looking at Thursday, May 11th as the date for the hearing. Would Rick Keigwin from the Office of Pesticide Policy be available that day? USDA sounds like they are available.

Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Thur 4/27/2017 6:31:35 PM
Subject: Re: Hearing

Good deal. Let me check on my end.

On Apr 27, 2017, at 2:27 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate, just wanted to follow up with you. This isn't finalized yet, but we're looking at Thursday, May 11th as the date for the hearing. Would Rick Keigwin from the Office of Pesticide Policy be available that day? USDA sounds like they are available.

Andrew Vlasaty

Senior Professional Staff

Senate Agriculture Committee

Chairman Pat Roberts (R-KS)

(202) 224-2035

To: Neill, Andrew[Andrew.Neill@mail.house.gov]
From: Bennett, Tate
Sent: Tue 4/25/2017 10:53:57 PM
Subject: Accomplishments

First 100 Days Accomplishments: EPA Administrator Scott Pruitt

Regulatory Rollback and Promoting Economic Growth

- ✓• **Energy Independence EO:** Following the President's Energy Independence Executive Order, Administrator Pruitt signed three notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- ✓• **CPP:** Reviewing the so-called Clean Power Plan that threatens over **125,000 U.S. jobs**.
- ✓• **ELG Rule:** EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated **\$480 million** annually, and about **\$1.2 billion** per year in the first five years of compliance.
- ✓• **Coal Combustion Residuals (CCR Rule):** EPA expects to issue the draft guidance on the CCR rule at the end of the month and begin acting on state permit applications this year. CCR rule is estimated to cost power plants between **\$500 and \$745 million** – per year.
- ✓• **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide **\$1 billion** in credit to finance over **\$2 billion** in water infrastructure investments.
- ✓• **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses **\$171 million annually**.
- ✓• **New Source Performance Standards:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓• **Methane ICR:** We are stopping the methane ICR by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding **\$42 million**.
- ✓• **Risk Management Rule (RMP Rule):** EPA delayed the RMP rule to make sure

that any additional regulations actually make chemical facilities safer, without duplicating regulations or opening our country up to dangerous national security threats. EPA estimates the RMP rule to cost **\$131.8 million annually, or \$1.3 billion** over ten years.

- ✓• **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement.
- ✓• **Ozone Standard:** Requested delay of oral arguments on the ozone standard.
- ✓• **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.
- ✓• **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration.
- ✓• **MATS Rule:** Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.
- ✓• **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate.

Giving Power Back to the States

- ✓• **WOTUS:** EPA is restoring states’ important role in the regulation of water by reviewing the “Waters of the U.S.” or WOTUS. A rule with a regulatory impact analysis of **between \$600 million and \$1.2 billion**.
- ✓• **Meetings with State, National and International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 10 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.
- ✓• **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State

Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA's federal oversight.

Protecting Health and the Environment

- ✓• **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing **\$100 million** to upgrade drinking water infrastructure in Flint, Michigan.
- ✓• **Superfund Sites:** We are getting real results cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.
- ✓• **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on **40,000 farms** and **50 different crops** because there was never enough science to justify the ban.
- ✓• **EPA Back-to-Basics:** EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated Superfund site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.

Elizabeth Tate Bennett

Senior Advisor to the Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Pearce, Christopher P.[CPPearce@scj.com]
Cc: Donnell, Katie[Katie.Donnell@mail.house.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]; Ringel, Aaron[ringel.aaron@epa.gov]
From: Bennett, Tate
Sent: Tue 4/25/2017 11:24:01 AM
Subject: Re: Background Information re. SC Johnson and EPA Region 5 Issues

Also adding Aaron Ringel, our new EPA House lead, to help with this. Aaron, I can bring you up to speed today.

On Apr 17, 2017, at 12:57 PM, Pearce, Christopher P. <CPPearce@scj.com> wrote:

Tate,

Thanks very much for the update and continued attention to our concerns. We really appreciate it, given all that's on your plate at the moment.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy and was planning to check in with you today, but you beat me to it! Please let me know if there's any additional information we can provide you or Ken from our end.

Ken, if you're in touch this week with folks from Region 5's pesticide staff (under the Land and Chemicals Division), it would be interesting to know, without mentioning SC Johnson specifically, what they think about the current NOA process and whether they believe it's going smoothly or not – and if not, where they see problems/potential solutions.

Regards,

Chris

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, April 17, 2017 10:21 AM
To: Pearce, Christopher P.
Cc: Donnell, Katie; Wagner, Kenneth
Subject: RE: Background Information re. SC Johnson and EPA Region 5 Issues

Chris and Katie-

Haven't forgotten you! I've been waiting for our political person for pesticides in the Office of Policy to join us at EPA (starts tomorrow/Monday the 17th). Will be sure to flag SCJ's concerns with her once she gets settled, and then we'll likely check in with Region 5 together. I'm on work travel from Tuesday-Thursday of this week so it will likely be next week. We can all then go from there and see what, if anything, might be in the realm of possible r.e. options. Sound OK? Chris, feel free to circle back with me in the meantime.

Also for his situational awareness, I'm cc'ing my colleague, Ken Wagner, who advises Administrator Pruitt on Regional Affairs. Ken is great to work with and (if I'm not mistaken) will be meeting with Region 5 staff on the ground this week.

Tate

Need for EPA Notice of Arrival Pesticide Import Process Improvements

Federal regulations require an importer of pesticides or devices to submit a completed EPA Notice of Arrival (NOA) Form 3540-1 prior to the shipment's arrival in the U.S. The NOA form includes certain required information, such as the EPA registration and establishment numbers, the product's active ingredients (substances that kill, control or repel the target pest), country of origin, port of entry, and anticipated entry date. U.S. Customs/Border Protection and EPA have partnered on a "single window" solution called ACE/ITDS, whereby industry can electronically submit all data required by various government agencies involved in international trade. When fully implemented, the system will streamline business processes and facilitate efficient trade, while ensuring compliance with U.S. laws and regulations.

Specific SC Johnson Concerns

While ACE/ITDS is being implemented, **SC Johnson continues to experience**

unnecessary delays due to inconsistent application of NOA procedures at the Regional EPA Office level. Historically the NOA handling process has varied greatly by Region and even shipment-by-shipment within the same Region. For example, Regions 6 and 9 consistently ask for the product label with the NOA submission, while Region 5 frequently asks importers to submit supplemental documents or changes NOA requirements by shipment for the same product. Regions 6 and 9 do not restrict when an NOA must be submitted prior to arrival, and approvals come back within 24-48 hours. Region 5 requires submission of NOA documentation no more than 14 days prior to arrival. Many shipments can have a transit time as long as 45 days on the ocean. Approvals have historically taken up to 10 business days.

SC Johnson shares EPA's goal of preventing non-compliant pesticide products from entering the U.S. market, which could adversely affect human health and the environment, and disrupt domestic commerce. We also believe reasonable changes can be made to improve the consistency of NOA approvals in Region 5 that support our shared goals and lead to processing imports more efficiently and predictably, and managing resource constraints (for both EPA and registrant companies like SCJ). And as the world's largest producer of pest control products, having reliable, predictable import procedures is critical to our company's ability to respond to major health challenges involving insect-borne diseases like Zika, Dengue, and Yellow Fever.

Our near-term suggestions for streamlining information requirements include:

- Streamline documentation requirements across Regions for repeat shipments by requiring a FIFRA label and completed Form 3540-1 with the *first submission* of a product.
- For non-mandatory FIFRA labels, like shipper case graphics, we suggest giving importers advance notice if Region 5 wants to see additional or revised information.
- o Recent example: Mosquito coils from Malaysia were held up by Region 5 due to a problem with shipper graphics we provided. Because transit time is 45 days via ocean, we would ideally need roughly 90 days to make any necessary label adjustments to meet EPA's needs.

- Develop common terms and definitions between federal agencies and industry (e.g., use of the term “intermediate,” which EPA interprets as requiring further chemical transformation before being sold).

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Mon 4/24/2017 5:14:09 PM
Subject: RE: Office of Pesticide Policy

Got that. Let me know when/if you want to go that route.

From: Vlasaty, Andrew (Agriculture) [mailto:Andrew_Vlasaty@ag.senate.gov]
Sent: Monday, April 24, 2017 1:11 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Office of Pesticide Policy

No, to be clear nothing has been signed off yet nor has any decision been made about the theme/scope of the hearing. I'm still in the process of gathering names/witness ideas to present to Sen. Roberts. I think you are right that James and Rick worked together some.

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Monday, April 24, 2017 1:07 PM
To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: Re: Office of Pesticide Policy

Did James sign off on Rick specifically? I think they worked together some in the past. Just wanted to check!

On Apr 21, 2017, at 7:16 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate,

Here are some possible witness ideas from EPA's office of pesticide policy.

Office of Pesticide Policy

Rick P. Keigwin, keigwin.richard@epa.gov, (703) 305-7090

Acting Director

Stephen Schaible, schaible.stephen@epa.gov (703) 308-9362

Senior Advisor for Pesticide Registration Improvement Act (PRIA) Implementation

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Mon 4/24/2017 5:06:50 PM
Subject: Re: Office of Pesticide Policy

Did James sign off on Rick specifically? I think they worked together some in the past. Just wanted to check!

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Acting Director

Stephen Schaible, schaible.stephen@epa.gov(703) 308-9362

Senior Advisor for Pesticide Registration Improvement Act (PRIA) Implementation

To: Pearce, Christopher P.[CPPearce@scj.com]
Cc: Donnell, Katie[Katie.Donnell@mail.house.gov]; Wagner, Kenneth[wagner.kenneth@epa.gov]
From: Bennett, Tate
Sent: Mon 4/17/2017 2:21:05 PM
Subject: RE: Background Information re. SC Johnson and EPA Region 5 Issues

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To: Cone, Travis (Capito)[Travis_Cone@capito.senate.gov]
From: Bennett, Tate
Sent: Tue 4/11/2017 3:18:41 PM
Subject: RE: more info

Call me.

From: Cone, Travis (Capito) [mailto:Travis_Cone@capito.senate.gov]
Sent: Tuesday, April 11, 2017 11:17 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: more info

Thanks for this. It appears to be the same line the previous administration offered. I'm no expert, but for its part Piedmont feels that the CDC's guidelines aren't relevant for the EPA's approval processes. I think they were just pushing the spray to kill and remove ticks without making grandiose claims about Lyme disease, but maybe they didn't share that with me.

Appreciate your help.

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Tuesday, April 11, 2017 11:13 AM
To: Cone, Travis (Capito) <Travis_Cone@capito.senate.gov>
Subject: more info

Call me if you want to discuss. Ex. 6 - Personal Privacy Alternatively, sounds like Piedmont is having other MOC's reach out on this too.....

Although the company has not yet submitted an application to add this use to Resultix, EPA has been in preliminary discussions with the company about a potential amendment as far back as June 2015. Because of the public health implications of the proposed new use, i.e., prevention of Lyme disease as transmitted by ticks, EPA requires submission of product performance data to evaluate the efficacy of the pesticide product and determine whether the proposed use meets the statutory standard for registration.

The proposed use, which involves spraying the pesticide on a feeding tick, differs from the currently recommended best practice for preventing disease transmission from ticks. The Centers for Disease Control and Prevention's (CDC) long-standing guidance for the prevention of disease transmission by ticks is to immediately remove the tick (https://www.cdc.gov/ticks/avoid/on_people.html).

In contrast, the documentation for the proposed use indicates that treated ticks do not dislodge but rather die *in situ*. Because of the potential for public health risks from ticks that remain attached, EPA is seeking information to address the potential risk from such ticks that have been treated with a pesticide of this nature. Any data for a use like the one being proposed by Piedmont would need to address concerns about potential disease transmission during the period after the tick is sprayed and before it falls off or is removed from the person's body. In addition, if testing involves intentional exposure of human subjects to the pesticide, the protocol and study would need to comply with EPA's human studies rule. See 40 CFR part 26, subparts K-Q. (<https://www.epa.gov/osa/human-studies-review-board>)

Due to the novel nature of the proposed use, EPA does not currently have an accepted protocol for conducting product performance studies to support the claims being made for this type of public health pesticide application. In such cases, the registrant develops a study protocol which is then submitted to EPA for review and approval prior to the testing commencing. EPA can help the registrant develop such a protocol including providing input on the design parameters of the study, data collection and analysis and other relevant aspects of such a protocol.

EPA will continue to work with Piedmont and will review any study protocols or application for registration the company submits in accordance with the statutory and regulatory requirements and timeframe provided under the Pesticide Registration Improvement Act (PRIA).

Elizabeth Tate Bennett

Senior Advisor to the Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Cone, Travis (Capito)[Travis_Cone@capito.senate.gov]
From: Bennett, Tate
Sent: Tue 4/11/2017 3:12:44 PM
Subject: more info

Call me if you want to discuss. Ex. 6 - Personal Privacy Alternatively, sounds like Piedmont is having other MOC's reach out on this too.....,

Although the company has not yet submitted an application to add this use to Resultix, EPA has been in preliminary discussions with the company about a potential amendment as far back as June 2015. Because of the public health implications of the proposed new use, i.e., prevention of Lyme disease as transmitted by ticks, EPA requires submission of product performance data to evaluate the efficacy of the pesticide product and determine whether the proposed use meets the statutory standard for registration.

The proposed use, which involves spraying the pesticide on a feeding tick, differs from the currently recommended best practice for preventing disease transmission from ticks. The Centers for Disease Control and Prevention's (CDC) long-standing guidance for the prevention of disease transmission by ticks is to immediately remove the tick (https://www.cdc.gov/ticks/avoid/on_people.html).

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EPA will continue to work with Piedmont and will review any study protocols or application for registration the company submits in accordance with the statutory and regulatory requirements and timeframe provided under the Pesticide Registration Improvement Act (PRIA).

Elizabeth Tate Bennett

Senior Advisor to the Administrator

Congressional and Intergovernmental Affairs

Office of the Administrator

U.S. Environmental Protection Agency

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
Cc: Dickerson, Aaron[dickerson.aaron@epa.gov]; Willis, Sharnett[Willis.Sharnett@epa.gov]
From: Bennett, Tate
Sent: Tue 4/4/2017 10:51:39 AM
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

Hey Sharnett! Do you have any times work for Ryan on Thurs or Fri?

Sent from my iPhone

On Apr 3, 2017, at 11:15 AM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

How about Thursday or Friday? If you want to send along some times that might work with Ryan's availability, we can work coordinate from there.

Andrew

From: Dickerson, Aaron [<mailto:dickerson.aaron@epa.gov>]
Sent: Monday, April 03, 2017 10:10 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>; Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov>; Willis, Sharnett <Willis.Sharnett@epa.gov>
Subject: RE: Notification: EPA Denies Petition to Ban Chlorpyrifos

Unfortunately, tomorrow is not good for Ryan but we can set up something later in the week. Will this just be a phone call?

Also, I'm looping in Sharnett, Ryan's executive assistant, who will ensure it gets on his calendar.

Aaron Dickerson

Office of the Administrator

U.S. EPA

Phone: 202-564-1783

Fax: 202-501-1338

From: Bennett, Tate

Sent: Sunday, April 2, 2017 6:16 PM

To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>

Cc: Dickerson, Aaron <dickerson.aaron@epa.gov>

Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

Let's aim for Tuesday. Our COS Ryan has actually been on point for this. Looping in my colleague Aaron to help coordinate on Ryan's schedule. Aaron, does Ryan have any time between 1-2 on Tuesday to chat with the Senate Ag committee Majority staff?

Sent from my iPhone

On Mar 31, 2017, at 3:06 PM, Vlasaty, Andrew (Agriculture)

<Andrew_Vlasaty@ag.senate.gov> wrote:

At this rate, want to shoot for early next week?

How about Monday at 11:00 or around 2:00? Or Tuesday 9:00-10:30 or 1:00-2:00?

Let me know if you need any additional times.

Andrew

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Thursday, March 30, 2017 4:51 PM

To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>

Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

You bet. Shoot me a note with some times and maybe a list of questions?

Sent from my iPhone

On Mar 30, 2017, at 11:46 AM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate, would there be a good time that our team could connect with folks at EPA on this? Maybe tomorrow?

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, March 30, 2017 9:17 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Notification: EPA Denies Petition to Ban Chlorpyrifos

Heads up that EPA denied a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

“We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

In October 2015, under the previous Administration, EPA proposed to revoke all food residue tolerances for chlorpyrifos, an active ingredient in insecticides. This proposal was issued in response to a petition from the Natural Resources Defense Council and Pesticide Action Network North America. The October 2015 proposal largely relied on certain

epidemiological study outcomes, whose application is novel and uncertain, to reach its conclusions.

The public record lays out serious scientific concerns and substantive process gaps in the proposal. Reliable data, overwhelming in both quantity and quality, contradicts the reliance on – and misapplication of – studies to establish the end points and conclusions used to rationalize the proposal.

The USDA disagrees with the methodology used by the previous Administration. Similarly, the National Association of State Departments of Agriculture also objected to EPA's methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA's previous reliance on certain data the Agency had used to support its proposal to ban the pesticide.

The FIFRA SAP is a federal advisory committee operating in accordance with the Federal Advisory Committee Act and established under the provisions of FIFRA, as amended by the Food Quality Protection Act of 1996. It provides scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues regarding the impact of regulatory decisions on health and the environment.

For more information on chlorpyrifos and the petition:

<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

To: Revels, Stacy[Stacy.Revels@mail.house.gov]
Cc: Straughn, Patricia[Patricia.Straughn@mail.house.gov]
From: Bennett, Tate
Sent: Mon 4/3/2017 1:29:59 PM
Subject: RE: hi!

Just figured it out. False alarm. Thanks guys ☺

From: Revels, Stacy [mailto:Stacy.Revels@mail.house.gov]
Sent: Monday, April 3, 2017 9:00 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Straughn, Patricia <Patricia.Straughn@mail.house.gov>
Subject: RE: hi!

Yes, but since it's only my 3rd week on the job, Patricia Straughn has been point on that bill. We can give you a call together if you'd like?

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Monday, April 03, 2017 8:57 AM
To: Revels, Stacy <Stacy.Revels@mail.house.gov>
Subject: RE: hi!

Hey Stacy! Do you handle the Rodney Davis pesticide bill? If so, can I give you a quick shout?

From: Revels, Stacy [mailto:Stacy.Revels@mail.house.gov]
Sent: Wednesday, March 29, 2017 2:24 PM
To: Heggem, Christine <Chris.Heggem@mail.house.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: hi!

Thank you, Chris. You're too kind!

Tate – Happy to connect. Look forward to working with you!

Stacy

From: Heggem, Christine
Sent: Wednesday, March 29, 2017 2:11 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Revels, Stacy <Stacy.Revels@mail.house.gov>
Subject: Re: hi!

Stacy Revels. She's new and she's great!

On Mar 29, 2017, at 2:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Who handles pesticides over yonder?

To: Revels, Stacy[Stacy.Revels@mail.house.gov]
From: Bennett, Tate
Sent: Mon 4/3/2017 12:57:28 PM
Subject: RE: hi!

Hey Stacy! Do you handle the Rodney Davis pesticide bill? If so, can I give you a quick shout?

From: Revels, Stacy [mailto:Stacy.Revels@mail.house.gov]
Sent: Wednesday, March 29, 2017 2:24 PM
To: Heggem, Christine <Chris.Heggem@mail.house.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: hi!

Thank you, Chris. You're too kind!

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From: Heggem, Christine
Sent: Wednesday, March 29, 2017 2:11 PM
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On Mar 29, 2017, at 2:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Who handles pesticides over yonder?

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
Cc: Dickerson, Aaron[dickerson.aaron@epa.gov]
From: Bennett, Tate
Sent: Sun 4/2/2017 10:16:18 PM
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

Let's aim for Tuesday. Our COS Ryan has actually been on point for this. Looping in my colleague Aaron to help coordinate on Ryan's schedule. Aaron, does Ryan have any time between 1-2 on Tuesday to chat with the Senate Ag committee Majority staff?

Sent from my iPhone

On Mar 31, 2017, at 3:06 PM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

At this rate, want to shoot for early next week?

How about Monday at 11:00 or around 2:00? Or Tuesday 9:00-10:30 or 1:00-2:00? Let me know if you need any additional times.

Andrew

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, March 30, 2017 4:51 PM
To: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

You bet. Shoot me a note with some times and maybe a list of questions?

Sent from my iPhone

On Mar 30, 2017, at 11:46 AM, Vlasaty, Andrew (Agriculture)
<Andrew_Vlasaty@ag.senate.gov> wrote:

Hey Tate, would there be a good time that our team could connect with folks at EPA on this? Maybe tomorrow?

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Thursday, March 30, 2017 9:17 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Subject: Notification: EPA Denies Petition to Ban Chlorpyrifos

Heads up that EPA denied a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

“We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment,” said EPA Administrator Pruitt. “By reversing the previous Administration’s steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making – rather than predetermined results.”

“This is a welcome decision grounded in evidence and science,” said Sheryl Kunickis, director of the Office of Pest Management Policy at the U.S. Department of Agriculture (USDA). “It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.”

In October 2015, under the previous Administration, EPA proposed to revoke all food residue tolerances for chlorpyrifos, an active ingredient in insecticides. This proposal was issued in response to a petition from the Natural Resources Defense Council and Pesticide Action Network North America. The October 2015 proposal largely relied on certain epidemiological study outcomes, whose application is novel and uncertain, to reach its conclusions.

The public record lays out serious scientific concerns and substantive process gaps in the proposal. Reliable data, overwhelming in both quantity and quality, contradicts the reliance on – and misapplication of – studies to establish the end points and conclusions used to rationalize the proposal.

The USDA disagrees with the methodology used by the previous Administration. Similarly, the National Association of State Departments of

Agriculture also objected to EPA's methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA's previous reliance on certain data the Agency had used to support its proposal to ban the pesticide.

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For more information on chlorpyrifos and the petition:

<https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

To: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Thur 3/30/2017 8:50:34 PM
Subject: Re: Notification: EPA Denies Petition to Ban Chlorpyrifos

You bet. Shoot me a note with some times and maybe a list of questions?

Sent from my iPhone

On Mar 30, 2017, at 11:46 AM, Vlasaty, Andrew (Agriculture)
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To: Bennett, Tate[Bennett.Tate@epa.gov]
Bcc: katelyn_conner@mccconnell.senate.gov[katelyn_conner@mccconnell.senate.gov]; Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]; Glueck, James (Agriculture)[James_Glueck@ag.senate.gov]; michael.horder@mail.house.gov[michael.horder@mail.house.gov]; Rell, Brian[ber@mail.house.gov]; tom.obrien@mail.house.gov[tom.obrien@mail.house.gov]
From: Bennett, Tate
Sent: Thur 3/30/2017 1:17:29 PM
Subject: Notification: EPA Denies Petition to Ban Chlorpyrifos

Heads up that EPA denied a petition that sought to ban chlorpyrifos, a pesticide crucial to U.S. agriculture.

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For more information on chlorpyrifos and the petition: <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

To: Glueck, James (Agriculture)[James_Glueck@ag.senate.gov]
Cc: Vlasaty, Andrew (Agriculture)[Andrew_Vlasaty@ag.senate.gov]
From: Bennett, Tate
Sent: Wed 3/29/2017 9:42:52 PM
Subject: RE: heads up

Of course. Andrew, let's touch base tomorrow.

From: Glueck, James (Agriculture) [mailto:James_Glueck@ag.senate.gov]
Sent: Wednesday, March 29, 2017 4:40 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Vlasaty, Andrew (Agriculture) <Andrew_Vlasaty@ag.senate.gov>
Subject: RE: heads up

Tate...

First...congrats on your new role...exciting stuff!

Second...we'd love a call/briefing on the chloropyrifos issue. It's something the committee has been tracking closely for quite a while with Sven and the folks in OPP. I've copied Andrew on this note as he's the new policy lead on pesticide issues for the Committee.

Many thanks for the heads-up and for reaching out...

jag

4-5238

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Wednesday, March 29, 2017 2:04 PM
To: Glueck, James (Agriculture) <James_Glueck@ag.senate.gov>
Subject: heads up

Hey James!

Just wanted to give you a heads up that Administrator Pruitt will be making an announcement on Chlorpyrifos today. Happy to give you a call if you or your staff want more info.

Best

Tate

Elizabeth Tate Bennett

Sr. Advisor to the Administrator

Office of Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

To: Revels, Stacy[Stacy.Revels@mail.house.gov]; Heggem, Christine[Chris.Heggem@mail.house.gov]
From: Bennett, Tate
Sent: Wed 3/29/2017 7:12:40 PM
Subject: RE: hi!

Hey!

Thanks Chris!

Stay, just wanted to let you know that Administrator Pruitt is making an announcement on Chlorpyrifos today. We are denying a petition by PANNA (Pesticide Action Network of North America) and NRDC to ban entirely the use of Chlorpyrifos. I'll be sure to send you our press release once it's out.

-Tate

Elizabeth Tate Bennett

Sr. Advisor to the Administrator

Office of Congressional and Intergovernmental Affairs

U.S. Environmental Protection Agency

From: Revels, Stacy [mailto:Stacy.Revels@mail.house.gov]
Sent: Wednesday, March 29, 2017 2:24 PM
To: Heggem, Christine <Chris.Heggem@mail.house.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: hi!

Thank you, Chris. You're too kind!

Tate – Happy to connect. Look forward to working with you!

Stacy

From: Heggem, Christine
Sent: Wednesday, March 29, 2017 2:11 PM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Revels, Stacy <Stacy.Revels@mail.house.gov>
Subject: Re: hi!

Stacy Revels. She's new and she's great!

On Mar 29, 2017, at 2:07 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

Who handles pesticides over yonder?

To: christine.heggem@mail.house.gov[christine.heggem@mail.house.gov]
From: Bennett, Tate
Sent: Wed 3/29/2017 6:07:10 PM
Subject: hi!

Who handles pesticides over yonder?

To: Lyons, Troy[lyons.troy@epa.gov]
From: Tomassi, Chris (Appropriations)
Sent: Thur 6/29/2017 9:59:06 PM
Subject: RE: USDA Letter: Chlorpyrifos

Thanks, Troy.

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, June 29, 2017 2:46 PM
To: Zimmerman, Melissa (Appropriations) <Melissa_Zimmerman@appro.senate.gov>;
Tomassi, Chris (Appropriations) <Chris_Tomassi@appro.senate.gov>
Subject: USDA Letter: Chlorpyrifos

As follow up to Tuesday's hearing, please find attached the letter the Administrator referenced on chlorpyrifos.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy (cell)

To: Lyons, Troy[lyons.troy@epa.gov]
From: Decker, James
Sent: Mon 4/10/2017 3:23:34 PM
Subject: Texas Feral Hog Contact Request

Troy,

A local official in our district contacted our office about a recent EPA decision to approve a certain chemical to deal with a feral hog issue in the state of Texas (https://www3.epa.gov/pesticides/chem_search/ppls/072500-00026-20170103.pdf). He asked if we could put him in touch with someone at EPA (I'm guessing the Region 6 office?) who was involved in this decision and could provide him some additional clarity on the issue. Would you be able to assist me in getting him a contact? Let me know if you need any more information from me. Thanks!

-James.

James Decker
Deputy Chief of Staff
Congressman Michael C. Burgess, M.D. (TX-26)
2336 Rayburn House Office Building
(202) 225-7772

To: Lyons, Troy[lyons.troy@epa.gov]
From: Freedhoff, Michal (EPW)
Sent: Thur 6/22/2017 7:01:24 PM
Subject: RE: pls see the attached

Just fyi, this was sent a couple of days ago. Maybe the email between EPA and the Senate is as screwed up as the Senate trying to access your website is. ☺

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, June 22, 2017 3:00 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: Re: pls see the attached

Thanks, Michal. I will get this processed.

I hope you too are well.

Sent from my iPhone

On Jun 22, 2017, at 2:58 PM, Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov> wrote:

Hi Troy and hope all is well –

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

<06-20-17TCtoPruitt re Chlorpyrifos follow up to EPA response.pdf>

To: Lyons, Troy[lyons.troy@epa.gov]
From: Freedhoff, Michal (EPW)
Sent: Tue 6/20/2017 9:56:23 PM
Subject: pls see the attached
06-20-17TCtoPruitt re Chlorpyrifos follow up to EPA response.pdf

Hi Troy and hope all is well –

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

June 20, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt:

Thank you for the EPA's June 9, 2017 response to my March 31, 2017 letter regarding the agency's unexpected reversal of a decision to ban the remaining uses of chlorpyrifos.

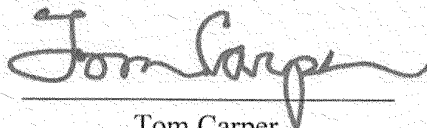
Unfortunately, your letter did not provide a response to my specific requests for documents and more information, only provided a brief timeline of events, and merely included a referral to the already-public Registration Review Docket.

I ask you again to respond in full.

Please find the referenced letter attached again below. If you have further questions, please feel free to contact Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832.

With best personal regards, I am,

Sincerely yours,



Tom Carper
Ranking Member

cc: Wendy Cleland-Hamnett, Acting Assistant Administrator, EPA

JOHN BARRASSO, WYOMING, CHAIRMAN

JAMES M. INHOFE, OKLAHOMA
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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

March 31, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write with concern regarding EPA's sudden reversal¹ of its proposed decision² to ban the remaining uses of chlorpyrifos. Chlorpyrifos is a pesticide used on many food crops as well as on non-agricultural sites such as golf courses. It has been linked to neurological damage and other adverse health impacts. EPA's March 29 decision did not present any new scientific or legal analysis on which to base its reversal. Instead the decision states that "further evaluation of the science... is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos," and says the EPA will complete this additional evaluation by 2022. In fact, the opposite conclusion follows from a plain reading of the relevant law: since the Agency did not provide any new analysis to refute its existing scientific conclusion that the pesticide can't be used on food with a "reasonable certainty of no harm" to people who ingest it, the statute requires EPA to ban such use, not allow it to continue.

Chlorpyrifos, an organophosphate pesticide that has been in use since 1965 and was derived using World War II era nerve agent research, has long been of concern to EPA. In 2000, EPA revoked permission to include it in most products used by homeowners because of evidence that showed it caused acute symptoms such as nausea and dizziness, especially in children.³ EPA also discontinued its use on tomatoes and restricted its use on apples and grapes in 2000, and subsequently restricted its use on other crops and around public spaces⁴.

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) petitioned EPA to ban all remaining food uses of chlorpyrifos based on concerns that prenatal exposures were causing brain damage. Ultimately PANNA and NRDC filed suit when EPA failed to act in a timely manner. On August 10, 2015, the U.S. Court of Appeals for the Ninth Circuit issued an order directing EPA to respond to the

¹ https://www.epa.gov/sites/production/files/2017-03/documents/chlorpyrifos3b_order_denying_panna_and_nrdc27s_petition_to_revoke_tolerances.pdf

² https://www3.epa.gov/pesticides/PrePublicationCopy_16P-0280_2016-11-10.pdf last accessed on March 29, 2017

³ <http://www.nytimes.com/2000/06/09/us/epa-citing-risks-to-children-signs-agreement-to-limit-insecticide.html>

⁴ <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

groups' petition by October 31, 2015. On that date, EPA proposed to ban all remaining uses of the chemical, citing peer-reviewed toxicological, animal and epidemiological studies as well as EPA's own modeling. One study reviewed by EPA⁶ was performed by Columbia University scientists. The Columbia study compared the neurodevelopment of children born to mothers who were exposed to chlorpyrifos before indoor uses of the chemical were banned to that of children who were not exposed to it in utero. This study found that "even low to moderate levels of exposure to the insecticide chlorpyrifos during pregnancy may lead to long-term, potentially irreversible changes in the brain structure of the child."

The EPA then spent an additional year under a March 31, 2016 court-ordered deadline to finalize action on the petition, incorporating comments on and further review of its 2015 proposal, including feedback received from its own Scientific Advisory Panel which had recommended a change to EPA's methodology. EPA's revised analysis, which was published in November 2016⁷, concluded that "chlorpyrifos on most individual food crops exceed the "reasonable certainty of no harm" safety standard under the Federal Food, Drug, and Cosmetic Act (FFDCA). In addition, the majority of estimated drinking water exposures from currently registered uses, including water exposures from non-food uses, continue to exceed safe levels even taking into account more refined drinking water exposures."

On Wednesday, EPA announced that it has reversed its earlier scientific and legal finding that chlorpyrifos was unsafe and should be banned, instead acting to deny the petition for the ban and stating that it would resolve the matter by 2022. I'm troubled by EPA's apparent dismissal of the extensive analysis undertaken previously by EPA scientists without providing any new scientific analysis to support this decision. The previous finding to ban chlorpyrifos was based on extensive data, models and research developed by industry, government and academic scientists. Absent such justification, this decision to lift the proposed ban could undermine the trust the public has in the agency to keep its food, water and air safe. That is particularly true since a clear and compelling scientific and legal basis for reversing the decision is absent from the materials EPA released on Wednesday as well as from the Agency's extensive public record.

So that I can review the basis for the decision, I ask that by close of business on Friday April 28, 2017, you provide me with a copy of all documents (including but not limited to emails, legal and other memoranda, drafts of legal or regulatory decisions or orders, white papers, scientific references, letters, telephone logs, meeting minutes and calendars, slides and presentations) sent or received by EPA (including documents sent or received by members of EPA's beach-head and transition teams) since November 9, 2016 that are related to EPA's response to the PANNA/NRDC petition to ban all remaining uses of chlorpyrifos.

⁵ <https://www.federalregister.gov/documents/2015/11/06/2015-28083/chlorpyrifos-tolerance-revocations>

⁶ <http://ccteh.org/news/april-30-2012-prenatal-exposure-to-the-insecticide-chlorpyrifos-linked-to-alterations-in-brain-structure-and-cognition>

⁷ https://www3.epa.gov/pesticides/PrePublicationCopy_16P-0280_2016-11-10.pdf last accessed on March 29, 2017

Thank you very much for your attention to this important matter. If you have any questions or concerns, please have your staff contact Michal Freedhoff of my staff at 202-224-8832.

With best personal regards, I am,

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Carper", written over a horizontal line.

Tom Carper
Ranking Member

To: Aarons, Kyle[Aarons.Kyle@epa.gov]
Cc: Lyons, Troy[lyons.troy@epa.gov]; Dickerson, Tom[Dickerson.Tom@epa.gov]; Freedhoff, Michal (EPW)[Michal_Freedhoff@epw.senate.gov]
From: Freedhoff, Michal (EPW)
Sent: Fri 6/9/2017 7:41:35 PM
Subject: RE: Missing oversight responses

Thanks for these responses – wanted to give you a quick informal read:

- 1) **OK GOP** – what is missing is this “All documents and communications related to any other political fundraisers you have already attended at Administrator, been invited to attend, and have agreed to attend in the future.” I’d characterize this response as mostly but not fully responsive.
- 2) **Chlorpyrifos** – what is missing is everything that was requested. Docket reference is not an acceptable substitute for what was requested, which is “:a copy of all documents (including but not limited to emails, legal and other memoranda, drafts of legal or regulatory decisions or orders, white papers, scientific references, letters, telephone logs, meeting minutes and calendars, slides and presentations) sent or received by EPA (including documents sent or received by members of EPA’s beach-head and transition teams) since November 9, 2016 that are related to EPA’s response to the PANNA/NRDC petition to ban all remaining uses of chlorpyrifos.” I’d call this totally non-responsive.
- 3) **ICR letter #1** – this was similar in style to what you sent us on CPP – copies of things you sent other people. I’d call this totally non-responsive. I’m pasting the missing questions below.
- 4) **ICR letter #2** – I’d call this partially responsive, with this significant question unanswered: “How does this recent letter signed by the eight Democratic Attorneys General that addresses new issues not covered in the Republican AG letter affect your decision to stop the ICR? Please comment on each point referenced by the recent AG letter and discuss whether you will take these concerns into consideration as you review next steps on methane regulations as EPA Administrator?”

Thanks

Michal

May 26 EPA Response to April 6 letter on ICR –

• During your confirmation process, you said you would examine the ICR currently underway

and review the submitted data before making any decisions on how to move forward. Is it

correct to infer from the withdrawal of the ICR that you have concluded that any data that

had been, or would have been, submitted is irrelevant, and that new methane standards for

existing sources are not necessary? Is it now EPA's position that it has no obligation under

section 111(d) of the CAA to issue emissions guidelines for methane emissions from existing

sources in the oil and gas sector subject to the NSPS promulgated in May 2016? If so, please

provide copies of all scientific or legal analysis on which you based your decision. If not,

why was it in the interest of EPA to stop collecting data from industry that EPA would then

use to develop a rule in the most cost-effective way possible?

• The decision to withdraw the ICR causes us to doubt your commitment to adequately

enforcing methane emission standards for new, reconstructed, and modified equipment that

are already in place (40 CFR Part 60). What assurances can you provide that the NSPS will

be enforced? Please provide us a list of the resources the agency is devoting to the enforcement of this rule.

• In "assess[ing] the need for the information that the agency was collecting through these

requests ... " as stated in the March 2 notice, what are the factors the EPA intends to include

in the assessment, and how do they differ from the factors weighed by the agency and OMB,

and addressed in public comment between May 12, 2016 and November 10, 2016?
Please

describe the process and schedule under which you plan to conduct this assessment and

specify whether the process will include participation by states, industry, stakeholders and

the public.

- EPA's March 2 notice specifically identifies a March 1, 2017 letter from nine state Attorney

General and two Governors raising the concerns about the cost of compliance with this ICR.

What statements in the March 1 letter did you find persuasive in your decision to issue the

March 2 withdrawal notice, and do you have, or did the Attorneys General provide, data or

analysis supporting those statements? If so, please provide the data and analysis as part of

your response.

- Please provide us with a list of all meetings and correspondence you had on the subject of the

ICR prior to March 2, and include any information concerning any communications with an

of the signatories of the March 1 letter you may have had. Please describe any oral

conversations you had and provide copies of any emails or other written communications

with those parties.

- Between your receipt of the March 1 letter and your issuance of the withdrawal notice the

following day, how many discussions did you or your staff conduct with state Attorneys

General or Governors who may have supported the ICR? If those conversations did not

occur, what is your justification for making a unilateral decision without the opportunity for

other states to weigh in?

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ The EPA has already collected information and data responsive to November 10, 2016 ICR.

Please provide us with data that was submitted to the EPA as of March 2.

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Aarons, Kyle [mailto:Aarons.Kyle@epa.gov]

Sent: Friday, June 9, 2017 12:08 PM

To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>

Cc: Lyons, Troy <lyons.troy@epa.gov>; Dickerson, Tom <Dickerson.Tom@epa.gov>

Subject: Missing oversight responses

Hi Michal,

Attached please find two responses (relating to ICR and OKGOP) from the oversight list you recently sent to Troy. We transmitted these through our normal correspondence process, but it appears they have not reached you yet.

Have a nice weekend,

Kyle

Kyle Aarons

Congressional Affairs

U.S. Environmental Protection Agency

202-564-7351

To: Lyons, Troy[lyons.troy@epa.gov]
Cc: Palich, Christian[palich.christian@epa.gov]
From: Horner, Elizabeth (EPW)
Sent: Fri 6/9/2017 6:08:30 PM
Subject: RE: EPA Response to RM Carper Re: Chlorpyrifos

Thanks, Troy.

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Friday, June 9, 2017 1:27 PM
To: Horner, Elizabeth (EPW) <Elizabeth_Horner@epw.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: EPA Response to RM Carper Re: Chlorpyrifos

Just transmitted to Michal

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy (cell)

To: Aarons, Kyle[Aarons.Kyle@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
Cc: Dickerson, Tom[Dickerson.Tom@epa.gov]
From: Freedhoff, Michal (EPW)
Sent: Fri 6/9/2017 4:53:05 PM
Subject: RE: Missing oversight responses

Thank you

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Aarons, Kyle [mailto:Aarons.Kyle@epa.gov]
Sent: Friday, June 9, 2017 12:50 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Dickerson, Tom <Dickerson.Tom@epa.gov>
Subject: RE: Missing oversight responses

Hi Michal – Attached is the May 26 ICR letter and enclosures.

Our response on Chlorpyrifos was just signed and is attached as well.

Thanks,

Kyle

Kyle Aarons

Congressional Affairs

U.S. Environmental Protection Agency

202-564-7351

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Friday, June 09, 2017 12:45 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>
Cc: Dickerson, Tom <Dickerson.Tom@epa.gov>
Subject: RE: Missing oversight responses

Thanks – I don't think anyone here is getting them electronically, not sure what the glitch is. Appreciate it.

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Friday, June 9, 2017 12:44 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>
Cc: Dickerson, Tom <Dickerson.Tom@epa.gov>
Subject: RE: Missing oversight responses

Moving forward, we will have letters sent directly to you so they do not get lost in the shuffle.

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Friday, June 9, 2017 12:38 PM
To: Aarons, Kyle <Aarons.Kyle@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Dickerson, Tom <Dickerson.Tom@epa.gov>
Subject: RE: Missing oversight responses

The May 31 letter on ICR references a May 26 letter on the same topic. We never received a May 26 letter on ICR. Could you please send that?

Thanks

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Aarons, Kyle [<mailto:Aarons.Kyle@epa.gov>]
Sent: Friday, June 9, 2017 12:08 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Cc: Lyons, Troy <lyons.troy@cpa.gov>; Dickerson, Tom <Dickerson.Tom@cpa.gov>
Subject: Missing oversight responses

Hi Michal,

Attached please find two responses (relating to ICR and OKGOP) from the oversight list you recently sent to Troy. We transmitted these through our normal correspondence process, but it appears they have not reached you yet.

Have a nice weekend,

Kyle

Kyle Aarons

Congressional Affairs

U.S. Environmental Protection Agency

202-564-7351

To: Lyons, Troy[lyons.troy@epa.gov]
From: Freedhoff, Michal (EPW)
Sent: Tue 6/6/2017 5:52:30 PM
Subject: RE:

Thanks - I hope the responses are complete. For example, a narrative response saying that chlorpyrifos has been used on crops for a super long time and the math is difficult so you gave yourselves til 2022 to do it will be very unsatisfying. ☺

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Tuesday, June 6, 2017 1:49 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: RE:

I do know that chlorpyrifos and BOSC should be coming out any day now

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, June 6, 2017 1:44 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE:

Good to meet you as well - these are the letters where EPW Members asked questions or for materials and didn't receive it. 8 have not received responses at all, 2 got incomplete responses.

Thanks

Michal

Date	Topic of letter	List of signers
3/16/2017	Matters related to the RFS	Whitehouse, Warren, Stabenow, Brown, Franken, Baldwin
3/17/2017	<u>Responses during the confirmation hearing and transparency</u>	Carper, Sanders, Whitehouse, Markey, Duckworth
3/31/2017	<u>EPA reversal of decision to ban remaining uses of chlorpyrifos</u>	Carper
4/4/2017	<u>EPA and Secret Science</u>	Carper
4/6/2017	<u>Methane ICR</u>	Carper, Leahy, Feinstein, Warren, Gillibrand, Whitehouse, Markey, Merkley, Schatz, Bennet, Duckworth, Harris, Murray, Franken, Udall, Murphy, Wyden
4/7/2017	<u>Clean Power Plan order process questions</u>	Carper, Franken, Hassan, Blumenthal, Schatz, Whitehouse, Warren, Murray, Udall, Shaheen, Merkley, Harris, Bennet, Markey, Coons, Wyden, Gillibrand, Hirono, Klobuchar, Menendez, Feinstein, Cantwell, Van Hollen
5/1/2017	<u>Hatch Act Violation - OKGOP</u>	Carper, Whitehouse, Merkley, Markey
5/9/2017	<u>Dismissal of 12 scientists from Board of Scientific Counselors</u>	Carper
5/16/2017	<u>Appointment of Elizabeth Bennet as Deputy Associate Administrator for Intergovernmental Relations at EPA OCIR</u>	Whitehouse, Merkley
5/20/2017	<u>EPA enforcement actions</u>	Carper

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

-----Original Message-----

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]

Sent: Tuesday, June 6, 2017 1:25 PM

To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>

Subject:

Nice meeting you in person. Could you send me the list when you get a chance

Sent from my iPhone

To: Beck, Nancy[Beck.Nancy@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
From: Gruman, Mark
Sent: Wed 5/17/2017 1:22:37 PM
Subject: RE: Cong. Cramer Additional Chlorothalonil Letter

Thank you Nancy, Troy. Our stakeholders indicate you all have been very reactive to the situation – much appreciated. Since I am sure the last thing you need is another meeting, I'll check in if there is anything further I can do to help. Thank you again for your prompt attention to this matter.

Mark

From: Beck, Nancy [mailto:Beck.Nancy@epa.gov]
Sent: Thursday, May 11, 2017 6:15 PM
To: Lyons, Troy
Cc: Gruman, Mark
Subject: RE: Cong. Cramer Additional Chlorothalonil Letter

Yes, happy to help.

Nancy B. Beck, Ph.D., DABT

Deputy Assistant Administrator, OCSPP

P: 202-564-1273

M: Ex. 6 - Personal Privacy

beck.nancy@epa.gov

From: Lyons, Troy
Sent: Thursday, May 11, 2017 2:41 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Gruman, Mark <Mark.Gruman@mail.house.gov>
Subject: FW: Cong. Cramer Additional Chlorothalonil Letter

Nancy, is this something you could assist Congressman Cramer's office with? Mark can provide background on it.

From: Kaiser, Sven-Erik
Sent: Thursday, May 11, 2017 2:16 PM
To: Gruman, Mark <Mark.Gruman@mail.house.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Cong. Cramer Additional Chlorothalonil Letter

Mark – thanks for sending the additional letter. Although approving the section 18 request is problematic, we're aware of the emergency nature of the request and working with folks in ND on alternate pesticide approaches. Please let me know if you want a briefing with EPA pesticides folks. Best,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Gruman, Mark [<mailto:Mark.Gruman@mail.house.gov>]
Sent: Thursday, May 11, 2017 1:52 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Hi Sven. Attached is another letter regarding the same issue, this signed along with

Congressman Moolenaar, Ranking Member Peterson, my boss, Congressman Mitchell, and Congressman Kildee.

Thanks,

Mark

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, May 09, 2017 10:11 AM
To: Gruman, Mark
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Mark - Got it – thanks. Can you tell me who you're working with in case our program folks need to get with them directly (I think this will be fast moving given the circumstances). Best,
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Gruman, Mark [<mailto:Mark.Gruman@mail.house.gov>]
Sent: Tuesday, May 09, 2017 10:05 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

You betcha – attached.

Thanks,

Mark

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, May 09, 2017 10:04 AM
To: Gruman, Mark
Subject: FW: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Mark – can you shoot me the letter – it got dropped in the message thread. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Lyons, Troy
Sent: Tuesday, May 09, 2017 9:47 AM
To: Gruman, Mark <Mark.Gruman@mail.house.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Thanks, Mark!

I have copied Sven and Aaron who can assist you with this.

From: Gruman, Mark [<mailto:Mark.Gruman@mail.house.gov>]
Sent: Tuesday, May 9, 2017 9:45 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Hi Troy. As explained in the attached letter, our sugarbeet growers are in desperate need of a Sec 18 exemption for the use of the Chlorthalonil fungicide, less face pretty consideration economic damage. Sounds as though the exemption is needed as soon as mid-May.

Any assistance you can provide would be greatly appreciated. Thanks Troy.

Mark Gruman

Chief of Staff/Legislative Director

Rep. Kevin Cramer | North Dakota

1717 Longworth HOB | 202-225-2611



[Email](#) [Website](#) [vCard](#)

[Sign Up](#) to receive Congressman Cramer's newsletter

To: Lyons, Troy[lyons.troy@epa.gov]
From: Freedhoff, Michal (EPW)
Sent: Thur 5/11/2017 3:12:02 PM
Subject: letters to the Administrator
[05-11-17Chlorpyrifos Follow-up.pdf](#)
[05-11-17EPA Secret Science Follow-up.pdf](#)

Hey there and hope this rainy day is treating you ok—

Pls see the attached.

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
ROGER WICKER, MISSISSIPPI
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
MIKE ROUNDS, SOUTH DAKOTA
JONI ERNST, IOWA
DAN SULLIVAN, ALASKA
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK
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KAMALA HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

May 11, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Administrator Pruitt:

I write today to ask for your responses to requests made in a March 31, 2017 letter regarding the EPA's sudden reversal of the decision to ban remaining uses of chlorpyrifos, a pesticide linked to neurological damage and a series of other dangerous health effects. The reply deadline of April 28, 2017 passed some time ago, and my office has yet to receive any answers or updates about your progress on this important matter.

Addressing committee oversight requests is an essential function of any agency, and I would very much appreciate your prompt response and support of future inquiries.

Please find the referenced letter attached. If you have further questions, please feel free to contact Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832.

Sincerely yours,



Tom Carper
Ranking Member

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. BURELL, MAJORITY STAFF DIRECTOR
GABRIELLE PATRICK, MINORITY STAFF DIRECTOR

March 31, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write with concern regarding EPA's sudden reversal¹ of its proposed decision² to ban the remaining uses of chlorpyrifos. Chlorpyrifos is a pesticide used on many food crops as well as on non-agricultural sites such as golf courses. It has been linked to neurological damage and other adverse health impacts. EPA's March 29 decision did not present any new scientific or legal analysis on which to base its reversal. Instead the decision states that "further evaluation of the science... is warranted to achieve greater certainty as to whether the potential exists for adverse neurodevelopmental effects to occur from current human exposures to chlorpyrifos," and says the EPA will complete this additional evaluation by 2022. In fact, the opposite conclusion follows from a plain reading of the relevant law: since the Agency did not provide any new analysis to refute its existing scientific conclusion that the pesticide can't be used on food with a "reasonable certainty of no harm" to people who ingest it, the statute requires EPA to ban such use, not allow it to continue.

Chlorpyrifos, an organophosphate pesticide that has been in use since 1965 and was derived using World War II era nerve agent research, has long been of concern to EPA. In 2000, EPA revoked permission to include it in most products used by homeowners because of evidence that showed it caused acute symptoms such as nausea and dizziness, especially in children.³ EPA also discontinued its use on tomatoes and restricted its use on apples and grapes in 2000, and subsequently restricted its use on other crops and around public spaces⁴.

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) petitioned EPA to ban all remaining food uses of chlorpyrifos based on concerns that prenatal exposures were causing brain damage. Ultimately PANNA and NRDC filed suit when EPA failed to act in a timely manner. On August 10, 2015, the U.S. Court of Appeals for the Ninth Circuit issued an order directing EPA to respond to the

¹ https://www.epa.gov/sites/production/files/2017-03/documents/chlorpyrifos3b_order_denying_panna_and_nrdc27s_petition_to_revoke_tolerances.pdf

² https://www3.epa.gov/pesticides/PrePublicationCopy_16P-0280_2016-11-10.pdf last accessed on March 29, 2017

³ <http://www.nytimes.com/2000/06/09/us/epa-citing-risks-to-children-signs-accord-to-limit-insecticide.html>

⁴ <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

groups' petition by October 31, 2015. On that date, EPA proposed to ban all remaining uses of the chemical, citing peer-reviewed toxicological, animal and epidemiological studies as well as EPA's own modeling. One study reviewed by EPA⁵ was performed by Columbia University scientists. The Columbia study compared the neurodevelopment of children born to mothers who were exposed to chlorpyrifos before indoor uses of the chemical were banned to that of children who were not exposed to it in utero. This study found that "even low to moderate levels of exposure to the insecticide chlorpyrifos during pregnancy may lead to long-term, potentially irreversible changes in the brain structure of the child."

The EPA then spent an additional year under a March 31, 2016 court-ordered deadline to finalize action on the petition, incorporating comments on and further review of its 2015 proposal, including feedback received from its own Scientific Advisory Panel which had recommended a change to EPA's methodology. EPA's revised analysis, which was published in November 2016⁶, concluded that "chlorpyrifos on most individual food crops exceed the "reasonable certainty of no harm" safety standard under the Federal Food, Drug, and Cosmetic Act (FFDCA). In addition, the majority of estimated drinking water exposures from currently registered uses, including water exposures from non-food uses, continue to exceed safe levels even taking into account more refined drinking water exposures."

On Wednesday, EPA announced that it has reversed its earlier scientific and legal finding that chlorpyrifos was unsafe and should be banned, instead acting to deny the petition for the ban and stating that it would resolve the matter by 2022. I'm troubled by EPA's apparent dismissal of the extensive analysis undertaken previously by EPA scientists without providing any new scientific analysis to support this decision. The previous finding to ban chlorpyrifos was based on extensive data, models and research developed by industry, government and academic scientists. Absent such justification, this decision to lift the proposed ban could undermine the trust the public has in the agency to keep its food, water and air safe. That is particularly true since a clear and compelling scientific and legal basis for reversing the decision is absent from the materials EPA released on Wednesday as well as from the Agency's extensive public record.

So that I can review the basis for the decision, I ask that by close of business on Friday April 28, 2017, you provide me with a copy of all documents (including but not limited to emails, legal and other memoranda, drafts of legal or regulatory decisions or orders, white papers, scientific references, letters, telephone logs, meeting minutes and calendars, slides and presentations) sent or received by EPA (including documents sent or received by members of EPA's beach-head and transition teams) since November 9, 2016 that are related to EPA's response to the PANNA/NRDC petition to ban all remaining uses of chlorpyrifos.

⁵ <https://www.federalregister.gov/documents/2015/11/06/2015-28083/chlorpyrifos-tolerance-revocations>

⁶ <http://ceceh.org/news/april-30-2012-prenatal-exposure-to-the-insecticide-chlorpyrifos-linked-to-alterations-in-brain-structure-and-cognition>

⁷ https://www3.epa.gov/pesticides/PrePublicationCopy_16P-0280_2016-11-10.pdf last accessed on March 29, 2017

Thank you very much for your attention to this important matter. If you have any questions or concerns, please have your staff contact Michal Freedhoff of my staff at 202-224-8832.

With best personal regards, I am,

Sincerely yours,

A handwritten signature in cursive script that reads "Tom Carper". The signature is written in dark ink and is positioned above a horizontal line.

Tom Carper
Ranking Member

To: melissa_zimmerman@appro.senate.gov[melissa_zimmerman@appro.senate.gov]; Tomassi, Chris (Appropriations)[Chris_Tomassi@appro.senate.gov]
From: Lyons, Troy
Sent: Thur 6/29/2017 6:46:03 PM
Subject: USDA Letter: Chlorpyrifos
[USDA Letter1.17.172017-06-29-092412.pdf](#)

As follow up to Tuesday's hearing, please find attached the letter the Administrator referenced on chlorpyrifos.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy (cell)

United States Department of Agriculture



January 17, 2017

Jack E. Housenger, Director
Office of Pesticide Programs (7501P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Mr. Housenger,

USDA appreciates the opportunity to comment on EPA's proposal to revoke chlorpyrifos tolerances, and in particular the new underlying risk assessment that was announced on November 17, 2016 ("Chlorpyrifos; Tolerance Revocations; Notice of Data Availability and Request for Comment," 81 FR 81049, Docket ID EPA-HQ-OPP-2015-0653). As you know, EPA is proposing this action in response to a petition to revoke chlorpyrifos tolerances submitted by the Natural Resources Defense Council and Pesticide Action Network North America in 2007.

USDA has both grave concerns about the EPA process that has led to the Agency publishing three wildly different human health risk assessments for chlorpyrifos within two years, and severe doubts about the validity of the scientific conclusions underpinning EPA's latest chlorpyrifos risk assessment. Even though use of the Columbia Center for Children's Environmental Health (CCEH) study to derive a point of departure was criticized by the EFRA Scientific Advisory Panel, EPA continues to rely on this study and has now paired it with an inadequate dose reconstruction approach.

In light of these developments, USDA calls on EPA to deny the NRDC/PANNA petition to revoke chlorpyrifos tolerances. This would allow EPA to ensure the validity of its scientific approach as part of the ongoing registration review process, without the excessive pressure caused by arbitrary, litigation-related deadlines.

Our detailed comments on the latest chlorpyrifos risk assessment follow. We look forward to continuing to work with EPA to ensure that pesticides remain both safe to the public and available to U.S. farmers. Please do not hesitate to contact me if you have any further questions.

Sincerely,

Sheryl H. Kunicikis, Ph.D.
Director

To: Horner, Elizabeth (EPW)[Elizabeth_Horner@epw.senate.gov]
Cc: Palich, Christian[palich.christian@epa.gov]
From: Lyons, Troy
Sent: Fri 6/9/2017 5:27:27 PM
Subject: EPA Response to RM Carper Re: Chlorpyrifos
Carper 6-9-17 (Chlorpyrifos).pdf

Just transmitted to Michal

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy (cell)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 09 2017

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Senator Carper:

Thank you for the letter of March 31, 2017, to the U.S. Environmental Protection Agency regarding chlorpyrifos.

As you may know, the previous administration prioritized the registration review of the organophosphates (OPs), starting with the question of their neurodevelopmental toxicity. This issue is at the cutting edge of science, involving significant uncertainties. On three separate occasions, the EPA sought advice from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) on how to evaluate epidemiologic data that explore the possible connection between *in utero* and early childhood exposure to chlorpyrifos and adverse neurodevelopmental effects. The SAP's reports have rendered numerous recommendations for additional study and sometimes conflicting advice for how the EPA should consider the epidemiology data in conducting the EPA's registration review human health risk assessment for chlorpyrifos. What is clear from the panel reports, is that the science on possible neurodevelopmental effects is far from resolved and would benefit from additional evaluation. All registered pesticides must be evaluated, by EPA, through the Congressionally mandated registration review process. The EPA is committed to resolving these questions through that process.

Currently, chlorpyrifos remains registered as the registration review continues. Congress has provided that the EPA must complete registration review by October 1, 2022.

Documents responsive to your request are available at www.regulations.gov:

- Registration Review Docket EPA-HQ-OPP-2008-0850;
- Tolerance Rulemaking Docket EPA-HQ-OPP-2015-0653; and
- Petition Docket EPA-HQ-OPP-2007-1005.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Cleland-Hamnett". The signature is fluid and cursive, with the first name "Wendy" being more prominent.

Wendy Cleland-Hamnett
Acting Assistant Administrator

To: Freedhoff, Michal (EPW)[Michal_Freedhoff@epw.senate.gov]
From: Lyons, Troy
Sent: Tue 6/6/2017 6:27:52 PM
Subject: RE:

Of course

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, June 6, 2017 1:53 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE:

Thanks - I hope the responses are complete. For example, a narrative response saying that chlorpyrifos has been used on crops for a super long time and the math is difficult so you gave yourselves til 2022 to do it will be very unsatisfying. ☺

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Tuesday, June 6, 2017 1:49 PM
To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>
Subject: RE:

I do know that chlorpyrifos and BOSC should be coming out any day now

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, June 6, 2017 1:44 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE:

Good to meet you as well - these are the letters where EPW Members asked questions or for materials and didn't receive it. 8 have not received responses at all, 2 got incomplete responses.

Thanks

Michal

Date	Topic of letter	List of signers
3/16/2017	Matters related to the RFS	Whitehouse, Warren, Stabenow, Brown, Franken, Baldwin
3/17/2017	<u>Responses during the confirmation hearing and transparency</u>	Carper, Sanders, Whitehouse, Markey, Duckworth
3/31/2017	<u>EPA reversal of decision to ban remaining uses of chlorpyrifos</u>	Carper
4/4/2017	<u>EPA and Secret Science</u>	Carper
4/6/2017	<u>Methane ICR</u>	Carper, Leahy, Feinstein, Warren, Gillibrand, Whitehouse, Markey, Merkley, Schatz, Bennet, Duckworth, Harris, Murray, Franken, Udall, Murphy, Wyden
4/7/2017	<u>Clean Power Plan order process questions</u>	Carper, Franken, Hassan, Blumenthal, Schatz, Whitehouse, Warren, Murray, Udall, Shaheen, Merkley, Harris, Bennet, Markey, Coons, Wyden, Gillibrand, Hirono, Klobuchar, Menendez, Feinstein, Cantwell, Van Hollen
5/1/2017	<u>Hatch Act Violation - OKGOP</u>	Carper, Whitehouse, Merkley, Markey
5/9/2017	<u>Dismissal of 12 scientists from Board of Scientific Counselors</u>	Carper
5/16/2017	<u>Appointment of Elizabeth Bennet as Deputy Associate Administrator for Intergovernmental</u>	Whitehouse, Merkley

5/20/2017 Relations at EPA OCIR
EPA enforcement actions Carper

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

-----Original Message-----

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]

Sent: Tuesday, June 6, 2017 1:25 PM

To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>

Subject:

Nice meeting you in person. Could you send me the list when you get a chance

Sent from my iPhone

To: Freedhoff, Michal (EPW)[Michal_Freedhoff@epw.senate.gov]
From: Lyons, Troy
Sent: Tue 6/6/2017 5:48:39 PM
Subject: RE:

I do know that chlorpyrifos and BOSC should be coming out any day now

From: Freedhoff, Michal (EPW) [mailto:Michal_Freedhoff@epw.senate.gov]
Sent: Tuesday, June 6, 2017 1:44 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE:

Good to meet you as well - these are the letters where EPW Members asked questions or for materials and didn't receive it. 8 have not received responses at all, 2 got incomplete responses.

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Michal

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3/31/2017	<u>EPA reversal of decision to ban remaining uses of chlorpyrifos</u>	Carper
4/4/2017	<u>EPA and Secret Science</u>	Carper
4/6/2017	<u>Methane ICR</u>	Carper, Leahy, Feinstein, Warren, Gillibrand, Whitehouse, Markey, Merkley, Schatz, Bennet, Duckworth, Harris, Murray, Franken, Udall, Murphy, Wyden
4/7/2017	<u>Clean Power Plan order process questions</u>	Carper, Franken, Hassan, Blumenthal, Schatz, Whitehouse,

		Warren, Murray, Udall, Shaheen, Merkley, Harris, Bennet, Markey, Coons, Wyden, Gillibrand, Hirono, Klobuchar, Menendez, Feinstein, Cantwell, Van Hollen
5/1/2017	<u>Hatch Act Violation -</u> <u>OKGOP</u>	Carper, Whitehouse, Merkley, Markey
5/9/2017	<u>Dismissal of 12 scientists</u> <u>from Board of Scientific</u> <u>Counselors</u>	Carper
5/16/2017	<u>Appointment of Elizabeth</u> <u>Bennet as Deputy</u> <u>Associate Administrator</u> <u>for Intergovernmental</u> <u>Relations at EPA OCIR</u>	Whitehouse, Merkley
5/20/2017	<u>EPA enforcement actions</u>	Carper

Michal Ilana Freedhoff, Ph.D.

Director of Oversight

Committee on Environment and Public Works Democratic Staff

-----Original Message-----

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]

Sent: Tuesday, June 6, 2017 1:25 PM

To: Freedhoff, Michal (EPW) <Michal_Freedhoff@epw.senate.gov>

Subject:

Nice meeting you in person. Could you send me the list when you get a chance

Sent from my iPhone

To: Beck, Nancy[beck.nancy@epa.gov]
Cc: Gruman, Mark[Mark.Gruman@mail.house.gov]
From: Lyons, Troy
Sent: Thur 5/11/2017 6:41:20 PM
Subject: FW: Cong. Cramer Additional Chlorothalonil Letter

Nancy, is this something you could assist Congressman Cramer's office with? Mark can provide background on it.

From: Kaiser, Sven-Erik
Sent: Thursday, May 11, 2017 2:16 PM
To: Gruman, Mark <Mark.Gruman@mail.house.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Cong. Cramer Additional Chlorothalonil Letter

Mark – thanks for sending the additional letter. Although approving the section 18 request is problematic, we're aware of the emergency nature of the request and working with folks in ND on alternate pesticide approaches. Please let me know if you want a briefing with EPA pesticides folks. Best,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Gruman, Mark [mailto:Mark.Gruman@mail.house.gov]
Sent: Thursday, May 11, 2017 1:52 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Hi Sven. Attached is another letter regarding the same issue, this signed along with Congressman Moolenaar, Ranking Member Peterson, my boss, Congressman Mitchell, and Congressman Kildee.

Thanks,

Mark

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, May 09, 2017 10:11 AM
To: Gruman, Mark
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Mark - Got it – thanks. Can you tell me who you're working with in case our program folks need to get with them directly (I think this will be fast moving given the circumstances). Best,
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Gruman, Mark [<mailto:Mark.Gruman@mail.house.gov>]
Sent: Tuesday, May 09, 2017 10:05 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

You betcha – attached.

Thanks,

Mark

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, May 09, 2017 10:04 AM
To: Gruman, Mark
Subject: FW: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Mark – can you shoot me the letter – it got dropped in the message thread. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Lyons, Troy
Sent: Tuesday, May 09, 2017 9:47 AM
To: Gruman, Mark <Mark.Gruman@mail.house.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Thanks, Mark!

I have copied Sven and Aaron who can assist you with this.

From: Gruman, Mark [<mailto:Mark.Gruman@mail.house.gov>]
Sent: Tuesday, May 9, 2017 9:45 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Cramer Letter to the Administrator - Sec 18 Request for Chlorothalonil

Hi Troy. As explained in the attached letter, our sugarbeet growers are in desperate need of a Sec 18 exemption for the use of the Chlorthalonil fungicide, less face pretty consideration economic damage. Sounds as though the exemption is needed as soon as mid-May.

Any assistance you can provide would be greatly appreciated. Thanks Troy.

Mark Gruman

Chief of Staff/Legislative Director

Rep. Kevin Cramer | North Dakota

1717 Longworth HOB | 202-225-2611



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